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101st Congress
1st Session

JOINT COMMITTEE PRINT

S. PRT.
101-3

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1988

REPORTS

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

FEBRUARY 1989

Printed for the use of the Committees on Foreign Relations and Foreign Affairs of the Senate and the House of Representatives respectively

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1989

90-641

S 382-2
H 382-2

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

90-641 - 89 - 1

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FOREWORD

The country reports on human rights practices contained herein were prepared by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. They also fulfill the legislative requirement of section 31 of the Bretton Woods Agreements Act and section 505(c) of the Trade Act of 1974, as amended.

The reports cover the human rights practices of all nations that receive U.S. foreign assistance, those nations that do not but are members of the United Nations, and those few nations that are not members of the United Nations. They are printed to assist Members of Congress in the consideration of legislation.

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs.

LETTER OF TRANSMITTAL

DEPARTMENT OF STATE,
Washington, DC, January 17, 1989.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
Hon. JIM WRIGHT,
Speaker, House of Representatives.

DEAR SIRS: I have the distinct honor to present the report prepared in compliance with sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and section 505(c) of the Trade Act of 1974, as amended.

With best wishes,
Sincerely.

J. EDWARD FOX,
Assistant Secretary Legislative Affairs.

Enclosure.

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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

INTRODUCTION

1988 Human Rights Report

This report is submitted to the Congress by the Department of State in compliance with Sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended.* The legislation requires human rights reports on all countries that receive aid from the United States and all countries that are members of the United Nations. In the belief that the information would be useful to the Congress and other readers, we have also included reports on the few countries which do not fall into either of these categories and which are thus not covered by the Congressional requirement.

Congress amended the Foreign Assistance Act by adding the foregoing sections of law so as to be able to consult these reports when considering assistance programs for specific foreign countries. One of the very important consequences --perhaps unintended--of these legislative provisions is that they have made human rights concerns an integral part of the State Department's daily reporting and daily decisionmaking. A human rights officer in an Embassy overseas who wants to write a good annual human rights report on the country in which he or she works must carefully monitor and observe human rights developments throughout the year on a daily basis. As a consequence he or she will report on such developments whenever something of human rights significance happens in the country of assignment. In the past 12 years, the State Department has become decidedly better informed on and sensitized to human rights violations as they occur around the globe.

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*Section 116(d)(1) of the Foreign Assistance Act provides as follows:

"The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding ...

"(1) the status of internationally recognized human rights, within the meaning of subsection (a) ...

(A) in countries that received assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act."

Section 502(B)(b) of the Foreign Assistance Act provides as follows:

"The Secretary of State shall transmit to Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance."

Any country-specific discussion of worldwide human rights developments in 1988 must start, as did our discussion of such developments in 1987, with an assessment of the remarkable changes in the Soviet Union. Last year we said that the changes which occurred in 1987 were more than cosmetic but less than fundamental. We still cannot say that there has been a fundamental shift in the Soviet Union's approach to human rights, but there is no doubt that the changes in evidence in 1988 have profound implications, as advocates of significant systemic reform appear to have gained strength.

By the end of 1988, all persons in the Soviet Union who had been sentenced under the articles of the criminal codes which punish dissenting political or unauthorized religious activity had been set free. Plans for amendment or repeal of the so-called political and religious articles have been announced. Abuse of psychiatry has been made a punishable offense. Freedom to leave the country temporarily has been significantly expanded. Armenian, ethnic German, and Jewish emigration has increased further, as has the emigration of Pentecostals. Plans have been adopted for elections which, though not completely free and open, are no longer to be the farce they have been heretofore.

At the same time, the ability of opponents of reform to slow down progress, the existence of a powerful and pervasive secret police force, and the supremacy of the Communist Party remind us of the fact that institutional guarantees to protect the rights of the individual against unbridled state authority are still needed. Soviet reformers speak of the importance of respect for the rule of law and have underlined the vital importance of creating an independent judiciary, but that is still in the future. Nonetheless, the recognition of the need for action to secure the rights of individuals, and the fact that the defects of the existing system are now openly discussed, offer a basis for cautious hope of a better day.

The year 1988 also saw significant further advances in Hungary and Poland toward a more open society.

As far as the positive side of the ledger in 1988 is concerned, we need to note that, abiding by the provisions of the Chilean Constitution, President Pinochet submitted his candidacy for continuation in office to popular referendum. In a free and fair plebiscite the decision of the voters went against him. There is hope that in 1989 we shall witness Chile's peaceful return to democracy.

On the Asian continent, the year 1988 also saw significant steps taken by the Republic of Korea, Taiwan, and Pakistan toward democracy and increasing respect for the rights of the individual. By contrast, in Burma a nationwide outpouring of sentiment in favor of free elections was brutally suppressed when the military systematically killed and detained student demonstrators and leaders.

The other most significant human rights violations of the year 1988, if measured by their severity and the numbers of persons affected, took place in the context of interethnic conflicts in Iraq, Burundi, and Sudan. In each of these situations innocent civilian bystanders died as a result of guerrilla warfare or reprisals for violence by others.

The Iraqi Government employed chemical warfare against a Kurdish insurgency, killing and injuring thousands of civilians and causing tens of thousands to flee their

country. Hundreds of thousands of Kurds have also been forcibly relocated within Iraq. An estimated 5,000 to 10,000 civilians were killed during ethnic violence in Burundi. Following attacks by Hutu tribesmen on Tutsis, the Tutsi-dominated military retaliated by killing thousands of Hutus. Tens of thousands of Hutus fled the country. By year's end, however, President Buyoya had succeeded in establishing a government of reconciliation consisting of members of both of these ethnic groups, and most of the Hutu refugees had voluntarily returned to Burundi.

Tragically, the interethnic conflict in Sudan, between the Sudanese Army and government-supported tribal militias on one hand, and the Ethiopian-supported Sudanese People's Liberation Army on the other, resulted in the largest number of victims in 1988. Although no accurate assessment has been made, some reports estimate that 100,000 to 250,000 civilians in southern Sudan died from starvation after elements of armed forces on each side interfered or failed to cooperate with efforts to deliver food supplies to regions controlled by the other side.

This year there are 169 separate reports. The guidelines followed in preparing the reports are explained in detail in Appendix A. In Appendix B is a discussion of reporting on worker rights, as required by Section 505 (c) of the Trade Act of 1974, as amended by Title V of the Trade and Tariff Act of 1984 (Generalized System of Preferences Renewal Act of 1984).* Although the legislation requires reports on worker rights only in developing countries that have been beneficiaries under the Generalized System of Preferences, in the interest of uniformity, and to provide a ready basis for comparison, we have here applied the same reporting standards that we have applied to all countries on which we prepare reports. Appendix C contains a list of 12 international human rights covenants and agreements and indicates which countries have ratified them.

Definition of Human Rights

Human rights, as defined in Section 116(a) of the Foreign Assistance Act, include freedom from torture or other cruel, inhuman, or degrading treatment or punishment; prolonged detention without charges; disappearance due to abduction or clandestine detention; and other flagrant denial of the rights to life, liberty, and the security of the person. Internationally recognized worker rights, as defined in Section 502(a) of the Trade Act, include (A) the right of association; (B) the right to organize and bargain collectively; (C) prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

In addition to discussing the topics specified in the legislation, our reports, as in previous years, cover other internationally recognized political rights and civil liberties and describe the political system of each country.

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*Section 505 (c) of the Trade Act provides as follows:

"The President shall submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary developing country."

.. applying these internationally recognized standards, we seek to be objective. But the reports unashamedly reflect the U.S. view that the right of self-government is a basic political right, that government is legitimate only when grounded on the consent of the governed, and that government thus grounded should not be used to deny life, liberty, and the pursuit of happiness. Individuals in a society have the inalienable right to be free from governmental violations of the integrity of the person; to enjoy civil liberties such as freedom of expression, assembly, religion, and movement, without discrimination based on race, ancestry, or sex; and to change their government by peaceful means. The reports also take into account the fact that terrorists and guerrilla groups often kill, torture, or maim citizens or deprive them of their liberties; such violations are no less reprehensible if committed by violent opponents of the government than if committed by the government itself.

We have found that the concept of economic, social, and cultural rights is often confused, sometimes willfully, by repressive governments claiming that, in order to promote these "rights," they may deny their citizens the right to integrity of the person as well as political and civil rights. There exists a profound connection between human rights and economic development. Experience demonstrates that it is individual freedom that sets the stage for economic and social development; it is repression that stifles it. Those who try to justify subordinating political and civil rights on the ground that they are concentrating on economic aspirations invariably deliver on neither. That is why we consider it imperative to focus urgent attention on violations of basic political and civil rights. If these basic rights are not secured, experience has shown, the goals of economic development are not reached either. This is a point which the Soviet Union's reformers seem to have recognized.

United States Human Rights Policy

From this premise, that basic human rights may not be abridged or denied, it follows that our human rights policy is concerned with the limitations on the powers of government that are required to protect the integrity and dignity of the individual. Further, it is in our national interest to promote democratic processes in order to help build a world environment more favorable to respect for human rights and hence more conducive to stability and peace. We have developed, therefore, a dual policy, reactive in the sense that we continue to oppose specific human rights violations wherever they occur, but at the same time active in working over the long term to strengthen democracy.

In much of the world, the United States has a variety of means at its disposal to respond to human rights violations. We engage in traditional diplomacy, particularly with friendly governments, where frank diplomatic exchanges are possible and productive. Where we find limited opportunities for the United States to exert significant influence through bilateral relations, we resort to public statements of our concerns, calling attention to countries where respect for human rights is lacking. In a number of instances, we employ a mixture of traditional diplomacy and public affirmation of American interest in the issue.

The United States also employs a variety of means to encourage greater respect for human rights over the long term. Since 1983 the National Endowment for Democracy has been carrying

out programs designed to promote democratic practices abroad, involving the two major United States political parties, labor unions, business groups, and many private institutions. Also, through Section 116(e) of the Foreign Assistance Act, funds are disbursed by the Agency for International Development for programs designed to promote civil and political rights abroad. We also seek greater international commitment to the protection of human rights and respect for democracy through our efforts in the United Nations and other international organizations, and in the process devised by the Conference on Security and Cooperation in Europe.

Preparation of these annual reports constitutes an important element of our human rights policy. The process, since it involves continuous and well-publicized attention to human rights, has contributed to the strengthening of an international human rights agenda. Many countries that are strong supporters of human rights are taking steps of their own to engage in human rights reporting and have established offices specifically responsible for international human rights policy. Even among countries without strong human rights records, sensitivity to these reports increasingly takes the form of constructive response, or at least a willingness to engage in a discussion of human rights policy. In calling upon the Department of State to prepare these reports, Congress has created a useful instrument for advancing the cause of human rights.

Richard Schifter
Assistant Secretary of State
for Human Rights and Humanitarian Affairs

ANGOLA*

The People's Republic of Angola, the regime established in Luanda upon the withdrawal of the Portuguese in 1975, is ruled by the only legal political party, the Marxist-Leninist Popular Movement for the Liberation of Angola (MPLA). President Jose Eduardo dos Santos is both Head of State and chief of the MPLA. His rule was reconfirmed by the MPLA's Second Party Congress in December 1985. All major policy decisions are made by a small elite in the MPLA, which also controls all means of mass communication. Open political dissension is not tolerated.

Now in its 13th year, the regional conflict involving Angola, Namibia, South Africa, and the internal conflict between the Government and the main opposition force, the National Union for the Total Independence of Angola (UNITA), again dominated events in 1988. On December 22, 1988, however, the parties to the international conflict--Cuba, Angola, and South Africa--signed a series of agreements under U.S. mediation that will lead to independence for Namibia in the context of total Cuban troop withdrawal from Angola. This should significantly reduce regional tensions in the coming year. There were also signs that elements within the Government were reconsidering their opposition to opening a dialog with UNITA to end the civil war. UNITA has repeatedly stated that it favors a government of national unity and does not seek to establish an alternate government.

The Angolan armed forces (FAPLA) total approximately 100,000. FAPLA is backed by a lightly armed Peoples' Militia, which is used for counterinsurgency and defensive duties within their localities. UNITA, led by Jonas Savimbi, is estimated to have a regular force of about 30,000, as well as a comparable number of irregular troops. It has the allegiance of a substantial portion of the population, especially among Angola's largest ethnic group, the Ovimbundu. UNITA controls the southeastern quarter of Angola's territory. The Angolan Government receives extensive military assistance from the Soviet Union, and an estimated 50,000 Cuban military personnel are stationed in the country. The United States supports UNITA in the Angolan conflict and has provided its forces with assistance.

The fighting, combined with misguided economic policies, has devastated the country's infrastructure, forced a return to barter in some areas, and has led the Government to divert much of its revenues to the military, including payments to the Soviet bloc for military equipment and Cuban combat troops. Although foreign exchange earnings from Angola's oil exports increased in 1988 (to over $2 billion), the expenditure of hard currency for weapons and the impact of war on the productivity and distribution networks of Angolan agriculture appear to have created a chronic food shortage in both the cities and the countryside. The threat of famine, reportedly evident at the end of 1987, appears to have faded in the face of actions taken by the international donor community and the Government itself. The Government, in

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*The United States does not maintain diplomatic relations with the People's Republic of Angola and thus has no diplomatic personnel there able to monitor human rights conditions or evaluate allegations of abuses.

response to the generally critical situation, announced on August 17, 1987, its intention to institute economic reforms, but it had not taken any significant steps by the end of 1988. The Government also has applied for admission to the International Monetary Fund.

In 1988 human rights abuses continued as the fighting showed no signs of abating. The prosecution of the war resulted in numerous allegations that government, UNITA, Cuban, and South African forces killed civilians and that the MPLA and UNITA executed political prisoners. There are no reliable casualty figures, but the international press focused on the large number of civilian casualties due to the extensive use of landmines. Upwards of 20,000 persons may have lost limbs as a result of the widespread use of landmines. Some recent estimates indicate that about 700,000 of the 8 to 9 million population have been displaced internally, in addition to some 400,000 refugees resident in neighboring countries.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Reports of political killings on the part of the Government and UNITA, both within the combat areas and in the form of summary executions of prisoners, persisted in 1988. It is difficult to evaluate the various claims and counterclaims. The fighting also resulted in many civilian deaths. While some of these deaths were inadvertently caused by military operations, others may have been deliberately perpetrated by opposing forces to intimidate civilian populations. The MPLA and UNITA publicly and repeatedly accused each other of practicing terrorism against their respective opponents, including killing or maiming civilians. UNITA additionally charged that Cuban forces have been involved in attacks on civilians. Civilians also have died as a result of UNITA actions, such as attacks on ground transportation and other economic targets.

b. Disappearance

There is no information to confirm that secret arrests or clandestine detentions are practiced by government security agencies or by UNITA, although each side has accused the other of such practices.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Allegations of torture and mistreatment made by both sides appear to have some basis in fact, but torture of opponents does not appear to be a generalised systematic practice of either the Government or UNITA.

Angolan prison conditions are poor, with substandard diet and sanitation. There are some unconfirmed reports that foreigners are not well treated, but Americans who have been imprisoned in Angola appear to have been treated adequately and to have had access to medical care.

Prison authorities reportedly have wide latitude in the treatment of prisoners. Treatment of political prisoners in

the prisons controlled by the Ministry of State Security appears to be harsher than treatment in the regular prisons. There are reports of mistreatment including beatings, threats, and prolonged interrogation with the use of force. Family visits appear to be arbitrarily restricted in many instances. Foreign advisers, including Cuban and East Germans, are assisting Angolan state security services and may help in operating state security prisons. The Government continues to put captured UNITA supporters on public display.

Very limited information is available on the administrative structure and practices within UNITA-held areas. There have been reports that UNITA mistreats some prisoners, but, generally, these could neither be confirmed nor disproved. In 1988, however, two Cuban military prisoners freed by UNITA indicated that they had been well treated while in captivity.

d. Arbitrary Arrest, Detention, or Exile,

Under Angolan law, persons suspected of committing serious acts against the security of the State may be held by the Ministry of State Security without charge for an initial period of 3 months, renewable for a further period of 3 months. Such detainees need not be presented to a judge within 48 hours of their arrest, as stipulated in the Code of Criminal Procedure for persons suspected of other kinds of crime, and apparently have no right to challenge the grounds of their detention. After 6 months in detention without charge, the detainee must be informed of the accusations, with the State Security Service either informing the public prosecutor of the charges or releasing the suspect. Once the case is presented to the public prosecutor, there does not appear to be a specific time limit within which a suspect must be brought to trial.

The deterioration of the security situation has exacerbated the general decline in judicial safeguards and due process. The Government has established regional military councils throughout much of Angola. They are responsible directly to President Dos Santos and have broad authority to restrict the movement of people and goods, to requisition people and goods without compensation, and to try crimes against the security of the State. The Government has also created "People's Vigilance Brigades" for urban areas, whose powers are not clear but include general administration and "protecting the people and ensuring public order and stability."

Amnesty International's (AI) 1988 report (covering 1987) stressed that arbitrary arrests by the Government are continuing. A large number of persons have been detained by the Government on suspicion of ties with UNITA, and in some cases held for years without being charged or brought to trial. AI's report mentions the case of Claudio Pereira Songamaso, director of legal affairs of the Angolan Red Cross Society. He was held incommunicado for several months on suspicion of assisting UNITA. Outside Luanda and the main cities, detainees are often held in special detention camps. In some cases, detainees haave been sent to "reeducation centers" for political indoctrination.

The precise number of political detainees and prisoners is not known but may have been several hundred at the end of 1988. Most were held on suspicion of aiding or sympathizing with UNITA. It is not clear how many captured UNITA military

personnel were being held, as distinguished from civilian political detainees.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Although the Constitution provides for an independent judiciary, in practice the judiciary follows party guidelines. The Constitution also states that no citizen shall be arrested and brought to trial except under the terms of the law, which includes a public trial and the right of the accused to legal counsel. There is, however, insufficient evidence to determine to what extent these rights are observed in practice in regular criminal and civil cases.

In the past, AI has expressed concern that trials of government opponents, notably in military tribunals, do not conform to internationally recognized standards. In particular, defendants reportedly were not given adequate opportunity to present their defense or appeal their cases. AI's 1988 report indicated that 29 defendants had been tried in January 1987 by the People's Revolutionary Tribunal on charges of treason, conspiracy, rebellion, and economic sabotage. AI also noted that detailed information was not available on the trial other than that 14 persons had been convicted and that some of the defendants reportedly had been accused of links with UNITA.

Judicial lines of authority are unclear, especially since the regional military councils have been given responsibility for the trial of offenses against the security of the State, including "economic crimes." It is not known which trials are open to the public and under what rules of procedure the various military and civilian courts operate. The Constitution also provides for a People's Supreme Court, but its jurisdiction is not known.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution provides for the inviolability of the home and privacy of correspondence, the Government conducts arbitrary searches of homes, censors private correspondence, and monitors private communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression "in the context of the achievement of the basic objectives of the People's Republic of Angola." In fact, the Angolan people live under censorship, intimidation, and Government control of the media. Opposition views are not tolerated, and critics such as Bartolomeu Dias Fernandes, who was accused of "insulting the Head of State," have been sentenced to long prison terms.

The Government is especially sensitive to criticism in the foreign press. But in 1986 the Government began to allow the travel of foreign correspondents to Angola in a controlled flow, a practice that was continued in 1987 and 1988. Angola subscribes to the "Front Line" states' ban on visits by South Africa-based news correspondents. The circulation of Western journals and periodicals in Angola is tightly restricted.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is denied to any political group or movement other than the MPLA. All other political movements have been banned. There are numerous unconfirmed reports of arrests of people who voice support of opposition movements or alternative political systems. The People's Vigilance Brigades, which have some law enforcement authority in urban areas, and the martial law climate throughout the country tend further to restrict freedom of assembly and association.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although the Constitution provides for the inviolability of freedom of conscience and belief and for separation of church and state, the Government publicly emphasizes the importance of propagating atheism and has been critical of religious activities. The overwhelming majority of the Angolan population is Christian, however, and the Government has not moved to close down officially recognized churches. Church services are held regularly, and there is widespread attendance. Foreign and Angolan missionaries are allowed to carry out their normal activities. Reportedly, UNITA respects freedom of religion in the areas it controls. In the past, UNITA several times captured foreign missionaries, releasing them unharmed after publicly warning them of the dangers of being caught in the combat zone.

The Government refuses to recognize smaller religious sects that it deems subversive. The most recent known case of repression concerns the Tocoist Church, founded in Africa in 1949, which has a syncretic blend of Christian beliefs and indigenous religious practices. The Government banned the Church in 1977, and in 1987 it apparently tried and executed a number of church members.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

As a result of the increased fighting, the Government is acutely sensitive about security and has tightly restricted travel. Travel by road in most areas of Angola is dangerous. The Government has instituted a pass system within Angola, and foreigners are generally prohibited from traveling outside the principal cities. UNITA has publicly warned that it considers all of Angola to be a war zone and that it cannot guarantee the safety of persons traveling there.

Angolan citizens are allowed to travel abroad, but this travel is carefully controlled by restrictions on issuance of passports and exit visas and by currency restrictions. Emigration is restricted. The Government limits travel to Angola through a selective and stringent visa policy.

Angola is a party to the U.N. Protocol Relating to the Status of Refugees. There are currently approximately 70,000 Namibian, 13,000 Zairian, and 10,000 South African refugees or displaced persons in Angola. As of December 1988, about 1,000 Angolan and 1,000 Zairean refugees had registered with the U.N. High Commissioner for Refugees to request repatriation to their respective homeland.

ANGOLA

Approximately 300,000 Angolans are still refugees in Zaire, and an estimated 94,000 are in Zambia. The Government claims that 180,000 exiles have returned to Angola over the years, but this claim cannot be verified.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Angola is ruled by a small group of officials within the party apparatus of the ruling MPLA. The Constitution provides for popular participation in the political process, but political activity is limited to participation in the MPLA or in one of its controlled and sanctioned organizations such as its youth wing, the Angolan Women's Organization, or the trade union movement. Political power is centered in the elite membership of the Politburo and the somewhat larger Central Committee. Party membership is very restricted, with fewer than 30,000 members out of a population of 8 to 9 million, according to the official media.

The Constitution provides for a popularly elected National People's Assembly, established in 1981, and people's assemblies at the provincial and local level. However, despite recent suggestions from President Dos Santos that the powers and membership of the National People's Assembly be broadened, as of the end of 1988 only candidates chosen and endorsed by the party have been elected. Key members of the party also hold leadership positions in the other people's assemblies.

Both the MPLA and UNITA have primarily ethnic bases of support--the MPLA among Kimbundu speakers, and UNITA among the Ovimbundu, Ganguela, and Lunda-Chokwe. The National Front for the Liberation of Angola (FLNA) has its base among the Bakongo, but the FLNA is no longer a major force in Angolan politics and has in part been integrated into the MPLA. Members of all of Angola's ethnic groups and religions, as well as women, participate in both organizations, some at high levels of the party. However, non-Kimbundu groups are greatly underrepresented in the small group within the ruling MPLA Central Committee and Politburo. Mesticos (Angolans of mixed racial background numbering only about 1 percent of the population) remain the most highly skilled and educated group in Angola and are influential--politically, culturally, and economically--beyond their numbers.

Women and blacks were given more positions in the top leadership by the 1985 Second Party Congress.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not respond to AI's 1987 appeal for information concerning numerous political detainees. The Government has been more forthcoming with international assistance groups. It allowed the International Committee of the Red Cross (ICRC) and United Nations International Children's Emergency Fund to provide food and medical assistance in areas it controls. UNITA allows the ICRC to conduct similar operations in areas it controls. The Government has not responded to ICRC requests for access to all persons arrested in connection with internal events and the military situation in the country.

ANGOLA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Because of the disturbed situation prevailing in most of Angola, there is little information available on the existence or extent of discrimination on the basis of race, sex, religion, language, or social status.

Section 6 Worker Rights

a. The Right of Association

Angolan workers do not have the right to form independent trade unions. The sole legally recognized trade union organization in Angola is the National Union of Angolan Workers (UNTA), which was formed in the late 1950's as an appendage of the MPLA and became the ruling party's official labor wing after Angolan independence in 1975. The pre-independence Portuguese-run labor centers of rival liberation organizations ceased to exist soon after the MPLA took control of the country.

The monopoly situation of the UNTA is ensured by the statutory basis of the single-union structure. Still, the activities of the labor central and its affiliates are tightly controlled by the Government and the party. The UNTA participates in meetings of the International Labor Organization (ILO), to which Angola belongs, and is affiliated to the continent-wide Organization of African Trade Union Unity and the Communist-controlled World Federation of Trade Unions.

Strikes are illegal and considered to be a crime against the security of the State.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to bargain collectively. The Government through the Minister of Labor and Social Security controls the process of setting wages and benefits, but it coordinates with UNTA and employers. As far as is known, labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

During 1988 both sides accused each other of relying on forced conscription of young males for recruitment into the military forces. In 1984 the Angolan Government was cited by the ILO for being in violation of ILO Convention 105, which prohibits forced labor. The basis of this citation is Angolan legislation providing for compulsory labor for breaches of labor discipline and participation in strikes. The Government has yet to supply the ILO with a full report on the matter. The 1988 report of the ILO Committee of Experts indicated that the cited legislation remained in force and had not been brought into conformity with ILO Convention 105, which Angola ratified in 1976.

d. Minimum Age for Employment of Children

There is no information available on this subject.

e Acceptable Conditions of Work

There is no information available on this subject.

BENIN

The People's Republic of Benin is a one-party state headed by President Mathieu Kerekou, who came to power in 1972 in a military coup. President Kerekou declared Benin to be a Marxist-Leninist state under the direction of a single political party, the People's Revolutionary Party of Benin, in 1974. The military retains heavy influence in the present civilian Government (7 of 15 cabinet members are military officers) and in the Political Bureau of the party.

Benin's armed forces number approximately 3,000 personnel. In addition to the regular army, there are small navy, air force, and militia contingents. The army is the main internal security force, backed by the paramilitary gendarmerie and regular police units as well as the presidential guard.

Benin's underdeveloped economy is largely based on subsistence agriculture, cotton production, regional trade, and a low level of offshore oil production. In 1988 the economy remained depressed due to falling world prices for exports, high debt servicing charges, and wide-scale unemployment. The Government continued to introduce an economic reform package, with projected assistance from the International Monetary Fund and World Bank, aimed at reducing the number of state enterprises, cutting fiscal spending, and encouraging private investment.

There continued to be significant human rights problems in Benin in 1988, including tight restrictions on freedom of speech and press. Detention and mistreatment of political prisoners continued to be an important issue following the publication of a special report by Amnesty International (AI). The Government withstood two apparent coup plots in 1988 and in the process detained several hundred persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings, although there were rumors of detainees dying in custody as a result of poor prison conditions and torture.

b. Disappearance

There were no reports of disappearances in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Beninese penal code requires that prisoners be treated as appropriate to "prison discipline and security." Mistreatment of prisoners and detainees, however, is common. In its August 1988 report entitled "Benin: Political Imprisonment and Torture," AI noted that it had received reports of ill-treatment of political prisoners and detainees, including beatings, whippings, and "rodeo" torture, in which the victim is allegedly forced to crawl on his hands and knees on sharp gravel while being beaten by his captors.

BENIN

Prison conditions in Benin are very poor. Sanitation and medical facilities are deficient, and prison food is inadequate unless supplemented by food from friends or relatives. AI's 1988 report (covering 1987) stressed the poor conditions at Segbana Civil Prison, which was exacerbated by the authorities' denying family visits. AI noted that the Minister of Interior visited that prison, and subsequently detainees were given medical treatment. In April 1988, the International Committee of the Red Cross (ICRC) was permitted to visit several prisons in Benin, including several known to hold political detainees.

d. Arbitrary Arrest, Detention, or Exile

Benin's legal system provides for the review of detention by a court of law, but this is not applied in political cases. The Constitution states that no citizen may be arrested without an order of arrest by an established judicial body. However, there is no time limit with respect to charging a defendant or bringing the accused to trial. In practice, persons have been detained incommunicado, some for extended periods, without charge and without recourse to legal assistance or judicial hearing.

The American Association for the Advancement of Science has reported that a Beninese physician, Dr. Afolabi Biaou, was arrested in November 1984 and has been detained without charge since that time. Biaou was previously involved with the "Support Committee for Former Political Prisoners" in Benin and was allegedly arrested en route to the presidential palace where he had been summoned for a meeting. Other long-term detainees include Toko Chabi Yako, a university professor before his detention in 1985, and Bouraima Male Hossou, who has been held without charge for suspected antigovernment activities since December 1987.

AI's 1988 report notes that in 1987 more than 80 persons had been held without trial since 1985 or 1986, including many University of Benin students. In recent years, political detainees and prisoners reportedly have been interrogated by the National Commission of Inquiry on State Security, headed by a senior military officer, apparently to determine the extent of detainee ties to opposition groups. The Commission's review led to the release of some detainees in 1987 and 1988.

In March the authorities reportedly detained over 150 Beninese, including a large number of army officers, for alleged conspiracy to overthrow the Government. Many of these detainees were reported to have been released after questioning. A second coup attempt reportedly took place a few months later while the President was attending the Economic Community of West Africa summit in Togo. At least a dozen of Kerekou's closest associates were apparently involved, including the head of the presidential guard. The precise number of detainees at the end of 1988 was unknown. AI estimated that over 200 political prisoners were being held without charge in Benin in 1988. Most political prisoners and detainees in Benin continue to be held at security police facilities, although some individuals are reportedly held at military camps.

There was no evidence that exile was used as a means of political control in 1988. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Benin's legal system is based on French civil law and customary law. In recent years, the Government has used a civilian "Revolutionary Court System," organized on provincial and national levels, with the Central People's Court as the highest court of appeal. In September the Government held elections for civilians to sit on local tribunals for the first time. The judicial system is not permitted to function independently in political cases. In such instances, defendants may or may not be permitted legal counsel or granted a public trial.

The Government rarely brings security cases to the trial stage. However, at the end of 1988, there were indications that the Government was preparing to bring a number of political opponents to trial, something which has not occurred in Benin in the past 10 years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Benin's Constitution provides for the inviolability of the home and requires a warrant from a judge before the police can enter a residence. However, there have been repeated reports of forced entries into homes by security forces in political cases. Other reports indicate that the security police monitor telephones and the mail of suspected persons.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The public expression of political opinion by Beninese is tightly controlled. In general, opposition to government policies and open criticism of the Government are not tolerated. However, the general atmosphere in Benin is not one of fear and repression, and many Beninese are willing to discuss politics freely in private or in small groups.

With a few exceptions, the local press, radio, and television are all government owned and operated. Exceptions include three independent newspapers, as well as La Croix, a weekly paper published by the Catholic Church, and Echo, a monthly journal of opinion circulated throughout West Africa. However, all publications treat political issues with circumspection, and journalists practice self-censorship. One weekly newspaper published a series of articles questioning the practices of the state-run commercial bank, a first for Benin. The official media carry only those stories that are approved by or serve the interests of the party or the State.

Academic freedom is restricted with regard to political issues, although there is normally no censorship of foreign books and artistic works. Foreign periodicals are widely displayed on newsstands and foreign radio broadcasts are readily available to much of the population through shortwave radio. No attempt is made to interfere with radio reception.

b. Freedom of Peaceful Assembly and Association

These freedoms are restricted in the political sphere. All meetings of a political nature must be sponsored by the single political party, and organized public opposition to the Government itself is not permitted. In recent years, the

Government has permitted the formation of a number of private social, service, and professional organizations.

The Government cracked down on student unrest in 1988. In February it handled with restraint a demonstration organized by a number of National University of Benin students protesting cuts in the education budget. However, in July it arrested several student leaders after student demonstrations against the high unemployment rate. They were released less than a month later.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Christianity, Islam, and traditional religions all coexist in Benin, and adherence to a particular faith does not confer any special status or benefit. There are no restrictions on religious ceremonies or teachings, and religious conversion is freely permitted. In September the Government announced that national observance of two Roman Catholic holidays, the Feast of the Assumption and All Saints Day, would henceforth be restored. Several other Christian and Islamic holidays, including Easter, Pentecost, Ascension, Ramadan, and Tabaski, continue to be observed as national holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic movement is not restricted, although recently released prisoners may be subject to travel restrictions. Passport and exit permits are necessary for travel outside West African countries but are usually not difficult to obtain.

Emigration is common: many Beninese move to neighboring countries to earn a living and do so without jeopardizing their citizenship. The Government encourages the repatriation of Beninese living abroad but with only limited success thus far.

According to the United Nations High Commissioner for Refugees, there are 3,033 identified refugees in Benin, largely Chadians who have fled the fighting in their country. Many of them are now permanently settled in Benin, although they are free to return to Chad if they wish.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The current one-party political system dominated by President Kerekou and the Political Bureau provides no mechanism for citizens to change their government through democratic means. Leadership is exercised by President Kerekou and a small group of senior party officials, several of whom also hold positions in the Government. The military continues to exert considerable influence within the Government. Brigadier General Kerekou's 15-member Cabinet includes 7 military officers.

The People's Revolutionary Party controls, among other things, the selection of candidates for the National Revolutionary Assembly--in theory the principal decisionmaking body of the Government--and local government bodies. The Assembly itself rarely takes issue with policies formulated by the party

leadership. The electoral process allows for some citizen participation in the nomination of candidates for the National Assembly, and party membership is not a requisite for holding office or for civil service employment. The final selection of candidates for the single national slate, however, is made by the party leadership. No opposition parties or slates are permitted.

While there are no women in ministerial positions, a number of women figure prominently in executive-level positions within the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In the past, the Government has considered any attempt to investigate human rights practices in Benin to be interference in its internal affairs. The 1988 ICRC visit represented an important change, but Amnesty International has not yet been permitted to visit political prisoners despite repeated requests to do so. The establishment of the National Commission of Inquiry on State Security to investigate political detainees may have been related in part to AI's inquiries. The Government did not respond formally to AI's special report on torture. At present, there are no internal human rights organizations, either official or nongovernmental.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Beninese Constitution states that women are by law the equals of men in the political, economic, cultural, and social spheres. The Constitution also guarantees that female employees have the right to paid maternity leave. The actual enjoyment of this benefit is mostly limited to civil servants and teachers.

Although Beninese women have played a major role in the commercial sector as well as in small-scale family farming, they have not had the same educational opportunities as men. Most boys now attend primary school, but only about one out of two girls complete the primary grades. Nevertheless, the Government officially encourages new opportunities for women, and the ruling party's women's organization, the Revolutionary Women's Organization of Benin (RWOB), focuses on women's issues, e.g., health care. As do other specialized party organizations, the RWOB serves to transmit party policy to its members and make known women's views to the party leadership.

Section 6 Worker Rights

a. The Right of Association

While approximately 75 percent of wage-earners belong to organized labor unions in Benin, all unions must join a general labor organization, the National Workers' Union of Benin (UNSTB), an affiliate of the Communist-controlled World Federation of Trade Unions (WFTU). The UNSTB frequently plays the role of a mass organization of the People's Revolutionary Party. Workers are not free to organize and join labor unions free of government control. Benin's Constitution states that "union activities are guaranteed to workers" but "must be used for the elevation of the conscience of the proletarian class

and for the augmentation and continued development of production."

While the right to strike is not explicitly denied or protected in the Beninese labor code, the last labor strike in Benin occurred in 1975 and was forcefully suppressed by the Government after 3 days.

Individual labor unions negotiate with employers on labor matters and represent workers' grievances to employers and to the Government. The Government often plays the role of arbiter. Labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited under Beninese law. There were no reports alleging use of forced or compulsory labor in 1988.

d. Minimum Age for Employment of Children

The Beninese labor code prohibits the employment or apprenticeship of children under the age of 14 in any enterprise. However, enforcement is erratic at best, and in a society as poor as Benin's, some child labor doubtless occurs. In the subsistence economy, children below the age of 14 often work on family farms.

e. Acceptable Conditions of Work

Benin's labor force of 1.9 million (out of a population of 4.5 million) is primarily employed in agriculture (80 percent), with less than 2 percent of the population involved in the industrial sector. The Government has given vigorous support to policies designed to improve the conditions of workers in both the agricultural and industrial sectors. It has, for example, committed itself to the gradual extension of free or low-cost medical care and social services and occupational safety standards.

The Beninese labor code establishes a 40-hour workweek and sets a minimum wage of approximately $40 per month. In many instances, however, the Government's ability to enforce labor laws and regulations in the wage sector is limited by a shortage of administrative and financial resources and a difficult economic environment in which unemployment is high. The minimum wage level provides for some degree of food and housing for a family, but would have to be supplemented by other means, such as some subsistence farming.

BOTSWANA

Botswana is a multiparty democracy. Under the Constitution, executive power is vested in the President, currently Quett K. J. Masire, who was elected in 1984. The President selects the Cabinet from the unicameral National Assembly. While there are several political parties in Botswana, one party continues to dominate the country's politics: the Botswana Democratic Party (BDP), which has held a majority in the National Assembly since independence in 1966 and currently controls 28 of the 34 elective seats. All citizens, including whites who accepted Botswana citizenship, are free to participate fully in economic and political life.

Botswana has a small defense force of 4,300 soldiers and a police force, numbering about 2,900. Both are subordinate to civilian authority. While adequate for internal security purposes, the army is not able to prevent incursions by the South African Defense Forces (SADF) against suspected ANC (African National Congress) targets in Botswana.

Botswana has a mixed economy and strongly encourages private enterprise and free trade. Botswana's real gross domestic product has averaged an annual 11 percent increase since 1979, fueled by development of the country's mineral resources. Annual per capita gross domestic product increased from $69 in 1966 to an estimated $1,500 in 1988. Almost 75 percent of the population continues to live in rural areas and is partially dependent for livelihood on subsistence farming and animal husbandry.

Botswana's human rights record generally is very good. Citizens receive equal protection under the law; domestic political violence is rare; and public debate, including that in the press, is lively. Pressure from South Africa in 1988 continued to increase tensions between the two countries. An SADF raid in March resulted in the deaths of three Botswana citizens and one South African refugee. An aborted South African operation in June resulted in the arrest of two South African commandos and several South Africans living in Botswana, all of whom were charged with treason. These were the first arrests under the 1986 National Security Act.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of government involvement in political killings. However, on several occasions since 1985, South African security forces have engaged in politically motivated killings in Botswana. The March attack on a house in Gaborone that allegedly sheltered ANC members resulted in the deaths of four people, three of whom were citizens of Botswana.

b. Disappearance

There were no reports of politically motivated disappearances in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There have been reports and allegations of improper treatment by the police of persons in custody. Lawyers and others have stated that the police routinely beat up arrestees, but they also have indicated that the number of such illegal incidents is decreasing due to increased public and governmental awareness of the law. Systematic abuses are not officially condoned, and officials have been punished.

Flogging is permitted for infractions of prison rules and is mandatory punishment for rape, attempted rape, armed robbery, burglary, and related offenses. Traditional tribal courts presided over by a chief, where jurisdiction is limited to minor offenses, may also sentence persons to be flogged. Currently, only men can be flogged, although the punishment has been proposed for women as well.

Prison conditions allow for adequate diet, health care, and visits from family members.

d. Arbitrary Arrest, Detention, or Exile.

The Constitution contains a provision protecting citizens from arbitrary arrest. This provision still applies despite the passage of the 1986 National Security Act, which inter alia allows the Government to hold persons suspected of treason for an indefinite period. Preventive detention is illegal, and prisoners have a right to have the legality of their detention determined by a magistrate. Police are required to bring a suspect before a magistrate to be charged within 48 hours of arrest. There is a functioning system of bail, and defendants have access to lawyers of their own choosing. There are no public defenders in Botswana, although some attorneys are willing to take certain cases pro bono. In security cases not covered under the 1986 Act, the suspect must be arraigned within 96 hours of arrest. In nonsecurity cases, suspects must be released after 48 hours unless the magistrate issues a warrant of detention, which is valid for 14 days. Every 14 days the police must appear before the magistrate to show that they are making progress in the case. To date there have been no known abuses of this system.

The Constitution allows the President to declare a person a prohibited immigrant and deport him from the country. No explanation is required nor is any normally given, and the order is not subject to judicial review. A prohibited immigrant can reenter Botswana only with the permission of the President or his designated representative. In the past, this authority has rarely been used, but in 1988 several South African refugees were declared prohibited immigrants, possibly due to South African Government pressures. Botswana is not a signatory to the 1963 Vienna Convention on Consular Relations and does not promptly or automatically notify embassies when foreign citizens are detained or arrested.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial.

The right to a fair public trial is provided by law and honored in practice; trials involving national security, however, may be closed to the public. Defendants are entitled to counsel, and consultation between defendants and counsel

may be held in private. There are clearly defined appeal procedures. The judiciary is independent of the executive and the legislature and consists of a High Court (which is the trial court with general civil and criminal jurisdiction), Court of Appeals, local magistrate courts, and the customary courts. The High Court has ruled that the right against self-incrimination exists in the courts (silence cannot be construed as guilt). While the burden of proving guilt is on the prosecution in ordinary criminal cases, certain broadly worded provisions of the National Security Act of 1986 appear to shift the burden to the accused to establish his innocence in security cases. It is not clear how the Act might be construed in practice, however; in the one case where charges were brought under the Act, the High Court judge dismissed them.

Botswana created a customary court of appeal in 1986, permitting cases tried in the traditional court system (which exists alongside the magistrate courts) the right to appeal judgments in familial and property cases. Since the court began operation, several hundred cases have been appealed.

There are no political prisoners in Botswana. However, two South African commandos and several south Africans living in Botswana were arrested under the National Security Act in June, following an aborted South African commando operation, and charged with treason. The Government has followed established judicial procedures in handling their cases, e.g., open hearings. The trial began in October in the High Court at Francistown and resulted in sentences of 10 years in prison and eight strokes with the cane for causing grievous injuries. The national security charges were dropped.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

These rights are safeguarded by law and respected in practice. A search warrant issued by a magistrate is required for an official to enter a private residence, except in cases of suspected diamond theft, drug trafficking, or national security matters. There were no reported instances in which this authority was used for diamond or drug-related cases in 1988. The Government did not state whether the new National Security Act powers to search without warrant were used in several of the cases arising from the South African commando operation in June.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press are provided for by the Constitution and are respected in practice. People speak freely both in public and in private, and debate is open in the National Assembly. The government-owned newspaper and radio continue to report statements by all opposition parties. Three independent weekly newspapers publish articles on a wider range of views than the government-owned media. However, they exercise some self-censorship, particularly on matters concerning the military and national security issues. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is a well-established tradition in Botswana, as exemplified by the Kgotla, a communal gathering conducted similarly to a New England town meeting, in which citizens freely question leaders and voice opinions on local politics. Kgotla meetings are regularly used by political candidates and Members of Parliament, including ministers, to explain their programs. Large gatherings of people require local police approval, which is routinely given. Group demonstrations are permitted as long as order is maintained, but organizers of such demonstrations must submit a detailed plan in advance and are held personally responsible for ensuring the plan is followed.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The open practice of religion is permitted and encouraged. There is no state religion. While most residents identify themselves with Christian denominations, active groups of Hindus, Muslims, Baha'is, and others practice their faiths freely. Religious affiliation is neither an advantage nor a disadvantage politically or socially. Religious conversion is permitted, and missionaries are allowed to enter the country and proselytize. Foreign clergy are also permitted to enter Botswana and serve expatriate congregations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Botswana citizens are subject to virtually no restrictions on emigration or repatriation. Domestic and foreign travel is unrestricted, and passports are easily obtained. Refugees documented by the United Nations High Commissioner for Refugees (UNHCR) are generally required to live in the settlement at Dukwe in northern Botswana where conditions are relatively good. Refugees may be authorized to live elsewhere for documented reasons such as employment and schooling but are not permitted to accept jobs which could be filled by local citizens. Due to allegations from some neighboring countries that refugees are using Botswana as a sanctuary in which to pursue activities against their respective home countries, Botswana has declared that Dukwe residents found outside the settlement without permission will be considered to have abandoned refugee status and will be repatriated as a deterrent to prohibited activities by other refugees.

Since a visit to the Dukwe settlement by Joshua Nkomo in May, pursuant to the unity agreement between the two main political parties in Zimbabwe, many of the almost 4,000 Zimbabwean refugees have been voluntarily repatriated from Dukwe without incident. The status of the remaining refugees is unclear at this time. Many of those who remain have lived in Botswana for more than 10 years and may apply for Botswana citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Botswana is ruled by a government freely elected every 5 years. In the 1984 national election to the National Assembly (the fifth since Botswana became independent), an estimated 70 percent of the eligible voters registered, and 86 percent of

the registered voters cast their ballots. In 1986 and 1987 Botswana held important byelections in which opposition party candidates won considerable majorities despite hard-fought campaigns by the country's ruling party.

There are five registered political parties in Botswana, three of which are represented in the country's National Assembly. Opposition parties are particularly strong in the urban areas, including Gaborone, Francistown, and Jwaneng. However, the Botswana Democratic Party continues to dominate the country's politics, having held a substantial majority in the National Assembly since independence in 1966.

The political rights of women and minority groups are generally observed. There are two female Members of Parliament: the Minister of External Affairs, and the Executive Secretary of the majority party. Several members of minority ethnic groups are also represented in the National Assembly; the speaker of the National Assembly is white, and several cabinet ministers are from small minority ethnic groups.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Botswana's Department of Labor has consistently responded promptly and forthrightly to inquiries on the human rights situation in Botswana. The Government usually refrains from public comment on alleged human rights violations in neighboring countries, but consistently condemns apartheid and strongly advocates positive socioeconomic development in South Africa. There are no groups in Botswana whose primary purpose is to monitor human rights developments. Botswana cooperates with international agencies concerned with human rights, most notably the UNHCR, which maintains offices in Botswana. The African Association on Human and Peoples' Rights in Development is based in Botswana, and a local chapter has been set up to monitor human rights in Botswana.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Ethnic differences exist in Botswana, though they play a marginal role in the country's politics. Ninety-five percent of the population is made up of Tswana who are divided into 8 subgroups. Only the approximately 50,000 Basarwa, or Bushmen, remain generally unrepresented in government. Most of the Basarwa have begun the process of assimilation into society and have full voting rights. However, because the Basarwa live primarily in remote rural areas and have little contact with the population centers of Botswana, they remain far behind in terms of governmental educational and economic assistance programs, and consequently have participated only marginally in the country's political life. The Government announced plans in 1988 to move the remaining traditional Basarwa hunters--approximately 1,200 tribespeople--from the central Kalahari game reserve to other settlements.

Women hold at least 25 percent of the paid jobs in Botswana. An estimated 40 percent of the central government employees are women, some of them in high-level positions. While there is little overt discrimination, social custom elevates the rights and privileges of men above those of women. Due in part to a high birthrate out of wedlock and the absence of

many men as migrant laborers in South Africa, some 40 percent of rural households are headed by women. Generally speaking, women's economic opportunities--access to capital, labor, draft animals, seeds for farming--are significantly less than those of men. Women may choose between civil marriage, in which all property is held in common, or customary marriage, which recognizes individual property brought to a marriage. However, most women are not aware of the implications of these alternatives. Often a married woman is unable to get a bank loan without the signature of her husband, and an unmarried woman must get the signature of her father. Under the citizenship laws, a woman cannot transmit Botswana citizenship to her child unless she is unmarried. This can cause hardships for children born to noncitizen fathers, particularly refugees. Although women's rights are not yet a major public issue in Botswana, this is a recognized area of potential future social conflict. Some initiatives undertaken by the Government include assistance in the publication of a women's rights handbook, efforts to involve more women in development activities, and the establishment of preference points for women seeking government-sponsored development loans.

Section 6 Worker Rights

a. The Right of Association

Workers are free to establish or join labor unions. Unionsare important in the country's large mining sector and in related industries but have not developed a substantial base in other areas of the economy. Unions freely associate with international organizations, and members regularly attend major international conferences. The Botswana Federation of Trade Unions (BFTU) is affiliated with the International Confederation of Free Trade Unions (ICFTU) and is also a member of the Organization of African Trade Union Unity and the South African Trade Union Coordination Council.

Unions have the right to strike, but that right is limited by a requirement for government arbitration. In practice, strikes are relatively rare and usually quickly settled.

Independent of government control or party affiliation, unions in Botswana actively strive to represent their members. Government regulations, however, require that all union leaders work full time in the trade their union represents, a practice criticized by the ICFTU. The ICFTU has also noted that "the dissolution of trade union organizations by government decree is possible under the law at all times."

b. The Right to Organize and Bargain Collectively

Unions have the right to organize and to bargain collectively. Collective bargaining is common in the mining sector (where workers are organized) and uncommon elsewhere as workers are not organized. The Botswana Federation of Trade Unions is working on provisions to prevent antiunion discrimination. Although workers can be dismissed with two months' pay, this tactic is rarely used.

Unions have chafed under government regulations which prohibit financial contributions to unions from outside Botswana. Labor laws apply uniformly throughout the country. There are no export processing zones in Botswana.

BOTSWANA

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is not practiced in Botswana and is specifically prohibited in the Constitution.

d. Minimum Age for Employment of Children

Botswana law prohibits the employment of children 12 years and under by anyone except members of the child's immediate family. No juvenile under the age of 15 may be employed in any industry, and only those over 16 may be employed in night work. No person 16 or younger is permitted to work in hazardous jobs, including mining. Moreover, Botswana law protects young people from recruiters for jobs outside the country. There is no evidence that child labor laws are regularly breached. Although education is not compulsory, it is almost universally available, and most children attend school at least through the primary grades.

e. Acceptable Conditions of Work

The law provides for minimum working standards, including job safety, a maximum 48-hour workweek, and a minimum wage of approximately $85 per month. This amount is barely adequate for one person to maintain a decent standard of living, and in most cases workers must supplement this amount through other means, such as subsistence farming. Most Botswana families have more than one wage earner. Women are not permitted to work as miners because of the dangers of that occupation. For some jobs during certain seasons, (such as in agriculture during the harvest season), Botswana law permits a workweek longer than 48 hours. Most major manufacturers adhere to the labor laws, including payment of overtime wages (time and a half). Some smaller employers, however, fail to pay overtime, and no action is taken against them.

BURKINA FASO

Burkina Faso is ruled by a military regime headed by Captain Blaise Compaore who took power on October 15, 1987, from Thomas Sankara in the country's fourth military coup since 1980. The new military regime continued the ban on political parties and activities and gave no indication that the country will return to constitutional rule. Instead, President Compaore has moved to firm up a narrow political base by forming a "Popular Front" of various leftwing groups, military officers, and miscellaneous civilians to assist in running the Government. He also uses a network of revolutionary committees (CR's), loosely organized at national, regional, and local levels to mobilize the population and promote undefined revolutionary goals.

The Burkina Faso armed forces number about 7,500 members, including 5,200 in the army, 100 in the air force, and 2,200 in the paramilitary gendarmerie and the police. All police and internal security forces are controlled by the Ministry of Defense.

Burkina Faso, one of the world's poorer countries, is overwhelmingly tied to subsistence agriculture, with 90 percent of the population living in rural areas. Agriculture is, however, highly vulnerable to fluctuations in rainfall. Frequent drought, lack of communications and other infrastructure, a low literacy rate, and a stagnant economy are all longstanding problems. The country has a per capita income of $140 per year.

Human rights continued to be tightly circumscribed in 1988. The holding of elections for local CR's and other government-sponsored mass organizations resulted in a slight easing of restrictions on political debate conducted in private. Public speech and the press remained tightly controlled. Although the Government released from detention or reinstated to their jobs a number of opponents of the Sankara regime, it detained scores of people who had been associated with the former regime. Many of these detainees were severely mistreated and later released without charge, but an unknown number, including several exministers, were still being held at the end of 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings in 1988. However, in November a senior military officer and his wife were assassinated in their home in Bobo Dioulasso. Subsequently, the Government arrested at least 10 soldiers in connection with the murders. The soldiers allegedly had some connection with an exiled opposition leader. Radio Burkina announced on December 29 that a revolutionary military tribunal had sentenced seven soldiers to death and one to 20-years in prison and had acquitted two others. While details were lacking, the authorities reportedly carried out the death sentences before the end of the year.

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Mistreatment of detainees is common. After the coup of October 15, 1987, the Government arrested more than 40 members of the previous government. There were several reports of torture of these detainees, e.g., former ministers Valere Some and Firmin Diallo. In at least one case there is evidence that police or the gendarmerie had severely beaten a former government official for several days before allowing him medical care. In May 1988, the gendarmerie detained approximately 20-50 students who had participated in an antigovernment demonstration and beat several of them, allegedly to "teach them a lesson" before releasing them. Prison conditions are poor.

d. Arbitrary Arrest, Detention, or Exile

There were continuing reports of arbitrary arrest, followed at times by incommunicado detention for days or months without charge, in 1988. The law permits preventive detention without charge for a maximum of 72 hours, renewable for a single 72-hour period in criminal cases. In practice, there are frequent violations of this restriction in cases involving both Burkinabe and foreign nationals, especially in political cases. In addition, in cases of emergency or national security, the military code, which provides for indefinite detention beyond 72 hours, overrides the civil code. Access to lawyers is not normally permitted in security cases, although it is provided for by law.

The Government detained as many as 100 persons for political reasons during 1988, including as many as 50 students arrested in May for planning or participating in a pro-Sankara demonstration. Most of the students were released within days of their arrest, but two or three were held for 5 months. Fifteen or more draftees of the National Popular Service who decided to name their subunit after the late President Sankara were held without charge for about 2 months before being released.

During 1988 the Government released some of the Sankara loyalists who had been detained without charge following the 1987 coup, as well as a number of persons who had been detained in connection with some explosions in Bobo Dioulasso in 1985. At the end of 1988, an unknown number of persons remained in detention, and there was no indication whether they would be brought to trial. A partial list of detainees includes three former ministers in the Sankara government under house arrest and several military personnel, including the military aide-de-camp to Sankara, in prison. In addition, about 20 former government employees, who appeared before a people's court in 1988 on corruption charges, remained in detention (see Section 1.e.).

Some intellectuals, military officers, and former government officials have stayed in self-imposed exile, partly due to fear for their safety should they return. The new Government has encouraged opponents of the previous regime to return home. Several political opponents convicted in absentia of common crimes while they were in exile were pardoned on August 4, but none has yet returned. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The regular judiciary, patterned after the French system, has continued to function for most criminal and civil cases. Defendants traditionally receive a fair trial and are represented by counsel. In 1987 the Government began the practice of appointing civil service attorneys to represent those who do not wish to retain, or are unable to afford, a private attorney. While this practice should theoretically make legal aid widely available, some observers believe this is the first step in the gradual elimination of independent lawyers.

During 1988 the people's revolutionary courts begun under Sankara continued to hear cases primarily involving public corruption. The president of each people's court is a magistrate appointed by the Government to head a tribunal composed of magistrates, military personnel, and members of the CR's. The court president asks questions directly of the defendant. There is no role for a public prosecutor, and the accused may consult but not be represented by counsel during the session. Witnesses can be called by the court, or they can present themselves to give testimony. The defendant is presumed to be guilty unless he proves himself innocent.

The military Government convened a people's court in June to try the cases of approximately 20 businessmen and former government employees accused of corruption. Subsequently, the Government overturned the court's verdicts, following angry public reaction to the light sentences given politically influential former government employees. A new trial has not been set, and the accused remained in jail at the end of 1988. The Government pardoned and released a number of prisoners in 1988, including Paul Rouamba, who had been implicated in plotting to overthrow the Government in 1984.

The trial of the soldiers mentioned in Section 1.a. was conducted in a military tribunal closed to the public, and at year's end there was no information available about the proceedings.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government authorities generally do not interfere in the daily lives of ordinary citizens, and there is no general monitoring of private correspondence or telephones. In theory, homes may be searched only under authority of a warrant issued by the attorney general. However, in national security cases, a special law permits surveillance, searches, and monitoring of telephones and correspondence without a warrant. This law is used against persons suspected of opposition to the Government.

The Compaore Government encourages participation in the CR's and also in social class-based organizations being formed to support the Popular Front . However, it is not clear if lack of participation will result in firings from civil service positions, as was the case in previous regimes. Generally, pressure to participate in government-sponsored groups appears to have eased.

BURKINA FASO

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While there is no formal government censorship, the Government employs intimidating methods to limit freedom of speech and press. For example, repeated references by the regime to enemies of the State at home and abroad inhibit both government-employed journalists and ordinary citizens from expressing critical views. Similarly, it uses occasional dismissals from government service and arbitrary arrest to quash debate on political topics.

Under the control of the Minister of Information, the media, which consists of a daily newspaper, a weekly magazine, and radio and television stations, are all government owned, and all journalists are civil servants. The media does not engage in serious criticism of the Government and reflects government positions on both international and national issues. Journalists who try to report stories without political bias may be replaced for failing to support sufficiently the political views of the Government. The Government quickly silenced a satirical government-owned newspaper, which criticized selected officials and programs, and stopped transmission of a small private all-music radio station authorized to broadcast in the last days of the Sankara administration.

Foreign newspapers and magazines entered the country freely during 1988. For the most part, foreign journalists traveled and filed stories without censorship and enjoyed access to government officials. However, in April two foreign journalists were detained for several hours and questioned, and one was deported after reporting allegations of mistreatment of detainees. After publication of antiregime stories in 1988 by the magazine Jeune Afrique, the government radio station attacked the magazine's reporting. The Government did not ban future importation of the publication, but later the local distributor for Jeune Afrique (a French national) was arrested, charged with espionage and possession of a weapon (a pistol), and deported to France.

Films are subject to censorship by a review board which includes religious authorities as well as government officials. During 1988 a wide variety of American, French, and other foreign films were shown, and there were no known instances of political censorship of movies. There is no interference with international radio broadcasts.

b. Freedom of Peaceful Assembly and Association

Under both the Sankara and Compaore Governments, political parties have been banned, and administrative permission is generally required for assemblies of any kind. Nonpolitical associations for business, religious, cultural, sporting, and other purposes are allowed and experience no difficulty in obtaining permission to meet, nor in associating with international bodies in their fields.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Burkina Faso is a secular state, and there is no official

discrimination on religious grounds. Islam and Christianity exist side by side, with almost 50 percent of the population Muslim and about 20 percent Christian. The remainder of the population practices traditional African religions. Muslim and Christian holidays are recognized as national holidays. Social mobility and access to modern sector jobs are neither linked to, nor restricted by, religious affiliations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travelers within Burkina Faso are routinely stopped at police and military checkpoints. There appears to be little restriction on foreign travel for business and tourism. Exit permits, once used to limit movements of workers to neighboring countries, particularly to the Cote d'Ivoire where at least 1 million or more Burkinabe continue to reside and work, are no longer required. For several months, the new regime did not allow Sankara's widow and her children to leave the country, but following appeals by African heads of state and the Association of African Jurists, the family departed in July.

Refugees are accepted freely in Burkina Faso, and attempts are made to provide for their care in cooperation with the United Nations High Commissioner for Refugees. There were approximately 270 refugees and displaced persons in Burkina Faso at the end of 1988, mainly from Chad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Neither under President Sankara, nor under President Blaise Compaore, have citizens had the right to change their government through democratic procedures. Despite four changes in leadership since 1980, the military continue to dominate the political process. President Compaore has expressed a desire to create a more democratic system, but he has not publicly mentioned permitting national elections or political parties in the future. He relies on an amorphous grouping of people, including military officers, to help run the Government and has a loose network of revolutionary committees (CR's) throughout the country to mobilize support. Elections were held in 1988 for lower-level positions in the government-sponsored mass organizations, but the upper leadership is appointed by Compaore, and the mass organizations have no official role in government decisions. Some opposition groups began to form clandestinely in 1988, notably a pro-Sankara opposition called the Democratic and Popular Union-Thomas Sankara. Four women are members of the 28-member Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The new Government has made no attempt to hinder the activities of international human rights organizations. It replied to at least one of Amnesty International's (AI) 1987 inquiries, i.e., regarding the detention of Sankara officials. (AI questioned the accuracy of the reply.) A government-supported organization lobbies against apartheid in South Africa and other racial oppression, but it makes no effort to examine domestic human rights issues.

BURKINA FASO

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Minority ethnic groups are as likely to be represented in the inner circles of the Government as are the dominant Mossi, who comprise 50 percent of the population. Government decisions do not favor one ethnic group over another. One ostensible reason for the 1983 increase in administrative regions from 11 to 30 was to improve access of minority groups to local administrative authorities.

The role of women in Burkina Faso is still limited by the cultural orientation of a rural African society. Women are important in family farming and in the market economy. The Government has continued the previous government's commitment to expanding opportunities for women, including in cabinet and civil service positions.

Section 6 Worker Rights

a. The Right of Association

There are four labor federations--of which the largest is affiliated with the International Confederation of Free Trade Unions. There are also a number of autonomous unions. The federations take turns representing organized labor at the International Labor Organization (ILO) meetings and participate in African regional labor meetings as well.

Organized labor continues to be an important force in Burkina. All unions jealously guard their limited independence from the Government. However, despite legal rights, the unions have been prevented from engaging in activities the Government opposes. Many labor leaders were arrested and held for long periods under the previous regime. Some were reportedly tortured. The new Government's labor policy is not clear, but after the coup it immediately released the trade unionists then in detention.

Organized labor has the legal right to strike, but the Sankara Government eliminated this right in practice. The Compaore Government has not faced major labor unrest, but some minor strikes occurred in 1988.

The ILO Freedom of Association Committee in March dismissed a case brought in April 1987 by the Trade Union Confederation of Burkina Faso (CSB) which alleged that new government regulations infringed on the freedom of association of public officials and that several CSB leaders had been detained. This followed a communication from the Government indicating that all trade unionists had been released and that regulations in question would be revised.

b. The Right to Organize and Bargain Collectively

Unions have the right to bargain for increased wages and other benefits within a specific bargaining unit such as a company or factory but cannot bargain industry wide. They represent the interests of their members in the private and public sectors, as well as before the labor inspection service of the Government and before the courts.

There are no export processing zones in Burkina Faso. Labor legislation is applied uniformly throughout the country.

BURKINA FASO

c. Prohibition of Forced or Compulsory Labor

Forced labor is not employed in Burkina Faso.

d. Minimum Age for Employment of Children

The labor code sets the minimum age for employment at 14, the average age for completion of basic secondary school. However, the Government lacks the means to enforce this provision adequately, even in the small wage sector. Most children actually begin work at an earlier age owing to the large number of small, family subsistence farms and the traditional apprenticeship system.

e. Acceptable Conditions of Work

A minimum monthly wage of about $75 and a maximum workweek of 48 hours are stipulated by the labor code, as are safety and health provisions. A system of government inspections and labor courts ensures that these provisions are applied in the small industrial and commercial sectors, but they have been impossible to enforce in the dominant subsistence agriculture sector which involves 90 percent of the population. As one of the poorest countries in the world, wages are not high, but the wrenching disequilibrium seen in many urban cities between wages and expenditures is not common in Burkina.

BURUNDI

The Republic of Burundi is a one-party state led by President Pierre Buyoya, an army major who came to power in a bloodless coup in September 1987. The 30-member Military Committee for National Salvation rules the nation, exercising legislative and regulatory powers while the Constitution is officially suspended. The 23-member Cabinet, appointed by the Military Committee and composed of 20 civilians and 3 military officers, formulates and proposes policies and manages the day-to-day business of government. As President, head of the Military Committee, and Minister of Defense, Buyoya plays the major policymaking role. The National Party for Unity and Progress (UPRONA) is the only political party. The dominance of the minority Tutsi over the majority Hutu ethnic group has been the central social and political reality of Burundi for several centuries. After assuming power last year, Buyoya announced a policy of tribal reconciliation and promised to increase Hutu participation in the country's emerging political institutions. Slow but steady progress towards that end was interrupted temporarily by a serious outbreak of ethnic violence in the north of Burundi in mid-August.

The Burundi Armed Forces, while small in number, are well equipped and well trained to maintain law and order. In addition, there is a regular police force responsible for public order and a separate force of security police responsible primarily for internal state security, including the monitoring of dissent. The State Security Police have the same powers of arrest as the regular police and are subject to the same process of judicial review.

Burundi is a poor country with one of the highest population densities in Africa. The AIDS epidemic has made serious inroads into the Burundi population and is expected to adversely affect economic activity in coming years. Most Burundi (90 percent) earn their livelihood as subsistence farmers working small, privately owned plots. The small monetary economy is based on coffee, which accounts for nearly 90 percent of foreign exchange earnings. Burundi, with a population of 5 million, is one of the highest per capita recipients of foreign assistance in Africa.

Throughout 1988 the Buyoya regime continued its policy of correcting the human rights abuses of the former Bagaza Government, particularly as regards religious persecution. An anticorruption campaign began in earnest in early summer, with a number of high officials losing their jobs. The major development in 1988 was the outbreak of ethnic violence between Hutus and Tutsis in mid-August--the first serious ethnic strife since 1972. Details regarding the extent and nature of the violence are still sketchy, but it appears that at least 5,000 people lost their lives in northern Burundi after Hutu peasants began killing local Tutsi inhabitants and the military interceded forcefully to restore order, killing several thousand Hutus. Approximately 48,000 Burundi refugees fled to southern Rwanda in the wake of the violence. The killings were limited to the two northern provinces where the initial massacres took place, and no massive reprisals occurred in the weeks following the violence. Afterwards, President Buyoya pledged to accelerate his policies of tribal reconciliation and established the Commission on National Unity, an ethnically balanced body of "wise men" who will study the ethnic problem and make recommendations. In October he reorganized the Cabinet to give Hutus 12 of the 24

portfolios, including that of Prime Minister. By the end of the year all but a few thousand refugees had returned to Burundi voluntarily.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In mid-August 1988, bands of Hutu peasants attacked and killed numerous Tutsi families in the northern communes of Ntega and Marangara. Unofficial initial estimates of the dead ranged from several hundred to 5,000. Despite government charges that the violence was incited by activist Hutu refugees who oppose the regime, no firm evidence exists that it was politically inspired. These initial killings were followed by the intervention of the Tutsi-dominated army to restore order. During its intervention, the army engaged in reprisal killings of unarmed civilians. The Government acknowledged that innocent civilians were among the victims of army actions to restore order, but it denied vengeance killings took place. The Government has taken no public action to punish those soldiers who engaged in reprisals against innocent civilians. The Government's estimate of the total number of deaths resulting from the violence is 5,000--of which it claims unofficially about 3,000 were Tutsi killed in the initial violence and 2,000 were Hutus killed in clashes with the army. Unofficial estimates are much higher in regard to Hutu deaths. Press reports speculated that as many as 24,000 Hutus may have been killed, but more credible estimates are of 5,000 to 10,000 dead, Hutu and Tutsi combined. There were unsubstantiated allegations that, following the mass violence, the army targeted individual, educated Hutus for killing. While there may never be an accurate accounting of the casualties, it is possible that planned censuses of the affected areas, conducted by the Government with the assistance of international organizations, may make more accurate estimates possible.

b. Disappearance

There are a small number of unresolved cases of disappearance connected with the ethnic violence in the north. It remains to be determined whether the people in question took refuge elsewhere, are in hiding, are in official custody, or were killed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by law, but cruel treatment of suspects or detainees has occurred in the form of beatings at the time of arrest or interrogation. These beatings, when combined with other harsh conditions, have led upon occasion to serious injury or even death. One detainee reportedly died in early September due to beating during questioning, and the public prosecutor responsible for the case was relieved of his duties.

Since coming to power, the Buyoya regime has allowed regular inspection of prison conditions by the International Committee of the Red Cross (ICRC). Although the Government assured the ICRC in September of continued access to prisoners, it restricted access to the detainees suspected of involvement in

the ethnic massacres until early December, when a full schedule of visits resumed. Prison conditions remain harsh due to lack of adequate hygiene, medical care, and food. The Government recognizes the severity of this problem and has begun a program of prison renovation.

d. Arbitrary Arrest, Detention, or Exile

Police officers are empowered to detain suspects without an arrest warrant, but must submit a written report to the public prosecutor's office within 24 hours. The public prosecutor examines the report and can either order the release of the detainee or issue an arrest warrant valid for 5 days. The public prosecutor then must state the charges before a magistrate in the presence of the detainee. The magistrate either releases the detainee or issues orders confirming the detention, initially for 5 days and subsequently for 30-day periods as necessary to prepare the case for trial. Bail is set only in cases of embezzlement or similar crimes involving financial wrongdoing. In general, the prescribed procedures for arrest and imprisonment are followed. However, time limits for issuance of arrest warrants and appearance before a magistrate are often exceeded, usually due to a shortage of magistrates and prosecutors. The Government has begun to address this problem by increasing the number of magistrates.

The total number of detentions connected with the ethnic violence in the north is unknown, although one credible estimate of detainees is 50 persons. Six signatories of an open letter criticizing the army's role in the ethnic massacres were still in detention at the end of 1988 and have not yet been charged with crimes. Several Hutu educators and civil servants in northern Burundi were detained in September under suspicion of having planned or been otherwise involved in the violence. Many are still in detention, but none has as yet been charged with any crimes.

The Government does not exile its nationals as a means of political control. Since his ouster, ex-President Bagaza has been denied permission to return to Burundi. However, the Buyoya Government has stated he may return to Burundi if he negotiates the conditions with the present regime. Citizens of other countries suspected of criminal activity or lacking proper residency documents are often expelled.

With regard to forced or compulsory labor, see section 6.c.

e. Denial of Fair Public Trial

The judiciary's independence is limited by the requirement to adhere to the guidance and recommendations of the party, the Government, and the President. Judges are appointed by and serve at the pleasure of the President. Though court decisions cannot be overturned by the executive branch, the President has the power to pardon or reduce sentences. In cases of political interest, the Government has occasionally interfered with the judiciary. In July, following the judiciary's acquittal of a former government minister of corruption charges, the President dismissed the President of the Supreme Court. This judge was accused of having taken bribes to acquit the former minister, but no proof of the alleged bribe has been made public. The Government also subsequently replaced judicial (and law enforcement) personnel at every level--Supreme Court, Courts of Appeal, Superior

Courts, magistrates, prosecutors, and investigators--in six different provinces.

Burundi has separate court systems to deal with military, civil/criminal, and state security cases. Military tribunals have jurisdiction only over military personnel. The State Security Court has jurisdiction over both civilian and military personnel, and its proceedings need not be made public. To date, this Court has been used only once, in prosecuting ex-President Micombero in the mid-1970's. Burundi law provides the right to counsel, and indigents are provided defense counsel by the State. Pretrial proceedings may involve lengthy investigations. The courts are hampered by a lack of trained legal personnel and by heavy case loads.

Following the September 1987 coup d'etat, the Buyoya Government released all political prisoners or detainees in Burundi. Six former officials of the Bagaza regime are in prison, charged with criminal, not political, offenses (primarily corruption). One former minister was convicted of fraud in October 1988 and sentenced to 8 years in prison, but none of the others have yet been brought to trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of private correspondence and of the home are enshrined in the (suspended) Constitution and are respected in practice. A judicial warrant is required for a law enforcement official to enter and search a private residence, and this requirement is respected in practice. Membership in the political party (UPRONA) and its affiliated organizations is open to all but is not required. The State Security Office monitors political dissent through the State Security Police and by employing informers who report on discontent and dissent as well as on criminal activity.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are significantly restricted. Since the beginning of the Buyoya regime, there has been an unprecedented public debate on formerly taboo subjects, such as ethnic relations and official corruption. The debate has been especially spirited in UPRONA party meetings, which is the form of dialog officially encouraged by government authorities. The Government's tolerance for public criticism outside party forums is limited, however. Many of the signatories of an open letter critical of the Army's role in the ethnic killings either lost their jobs, were suspended from studies, or were detained.

The Government controls all domestic print and broadcast media. The French-language daily and Kirundi-language weekly papers are published by the Ministry of Information, which also operates the domestic radio and television stations. The media are traditionally required to support the fundamental policies of the party and the Government. Some criticism of the Government is permitted in the printed press, but journalists are state employees and subject to disciplinary action if their criticism goes beyond what is considered tolerable. The Government rarely interferes with the distribution of foreign news publications and never interferes with radio reception from foreign sources. Public censorship

occurs only in the case of sexually explicit foreign film material or publications.

Academic freedom has been limited in the past in that primary and secondary school teachers were expected to support government policies. At the university, professors come from many different countries, both East and West, and are permitted to lecture freely in their subject areas, conduct research, and draw independent conclusions. They are expected to and do refrain from commenting publicly on domestic political issues.

b. Freedom of Peaceful Assembly and Association

In the aftermath of the August 1988 ethnic massacres, the Government prohibited all public meetings of more than five persons without specific authorization. The Government announced this as a temporary measure and lifted it on October 31 along with a curfew and other temporary security restrictions. As far as is known, the Government has never refused to grant authorization when requested. The Government permits nonpolitical private associations but requires that they be registered and accorded legal recognition before they may function. No political associations other than the ruling party are permitted. Several persons who tried to revive a banned second party, PALIPEHUTU (Liberation Party for the Hutu People), were briefly jailed in March 1988.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

During his first year in office, President Buyoya made sweeping changes in Burundi's policies toward organized religion, reversing the repression of religious expression under the Bagaza regime. Buyoya freed all religious prisoners; reopened the closed churches; returned all confiscated church properties, including houses and schools; authorized weekday masses; reinstituted the activities of catechists; and authorized church schools (including seminaries and literacy/catechism classes), publications, and radio broadcasts. The Government is negotiating with the churches regarding compensation for property seized by the former regime. Some of the missionaries who were expelled under Bagaza are being allowed to return, and there are no restrictions on new missionaries. Organized religion, in particular the Catholic Church, plays a key role in the development of the country and the lives of both rural and urban Burundi.

Religious expression continues to be regulated by civil laws and regulations. Religious organizations are subject to the same rules and restrictions which apply to secular organizations. All religious associations must receive approval from the Government to operate in Burundi, and a Burundi citizen must be appointed as legal representative of each association. Religious groups may not engage in political activity critical of the Government. During the Bagaza regime, two religious denominations were banned: the Seventh Day Adventists and the Jehovah's Witnesses. The Buyoya regime has legally recognized the Adventist Church and returned all of its confiscated properties. The Government has received a delegation of the Jehovah's Witnesses, and their legal recognition is presently under consideration.

BURUNDI

There are no barriers to the maintenance of links with coreligionists in other countries. Participation in religious groups does not exclude people from membership in the UPRONA party or from receiving social benefits.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government instituted restrictions on internal travel in August 1988 following ethnic violence in the north. Any person traveling between communes needed specific permission to do so in the form of a laissez-passer issued by the communal administrator, which was issued routinely. An 11 p.m. to 5 a.m. curfew was in effect throughout Burundi. The Government lifted these travel restrictions on October 31.

Some 48,000 Burundi citizens fled to Rwanda following the recent ethnic violence in northern Burundi. The Government collaborated with the Government of Rwanda, the International Committee of the Red Cross, and the United Nations High Commissioner for Refugees (UNHCR) to create a climate of confidence in the north to encourage the refugees to return. This effort has been sucessful, and most of the refugees have voluntarily returned to their home areas.

The Government continues to discourage migration to urban areas through an active public education campaign. Foreign travel and emigration are relatively free, though travelers must explain the reason for their trip and must surrender their passports to the immigration office on their return to Burundi. Prospective Burundi travelers must have exit visas as well as passports. In the past, many foreigners applying for exit visas were required to prove they had no outstanding debts.

In the past, repatriated Burundi refugees were welcomed and accorded full rights as citizens. Burundi claims to host some 262,000 refugees, most of whom are Rwandan Tutsis who have resided in Burundi since the 1960's. The Government collaborates closely with the UNHCR in refugee matters. The Government does not engage in forced repatriation of refugees, but it has periodically deported Zairians and Rwandans who lacked residence permits or who had been arrested on suspicion of criminal activities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The military rules in Burundi, and citizens do not have the right to change their government through democratic procedures. Since September 1987, the 30-member Military Committee for National Salvation (CMSN), headed by President Pierre Buyoya, has been the supreme body, taking responsibility for policymaking and direction of government. Most executive decisions are taken by the 10-member Executive Committee of the CMSN, also headed by Buyoya. The President has indicated that the Military Committee will rule until civilian government institutions, presumably including the National Assembly, are reconstituted. When he was sworn in, President Buyoya promised a new constitution and a return to civilian rule within 2 years, but there has been little movement toward these goals.

Political participation can take place only within the one-party structure, and voters can express dissatisfaction

only by voting against incumbents for party positions. The party is open to all Burundi citizens supporting its principles, and both men and women are active members and office holders. The UPRONA party, together with its youth, women's, and labor-affiliated movements, claims a membership of approximately 1.4 million persons, over three-quarters of the adult population. The party regularly holds local and regional meetings, where party members discuss issues and make recommendations. During the past year, participation in party elections has expanded. Formerly, the slate of candidates for local and national party offices was selected by central government cadres and voted upon by party membership. Any party member now wishing to run for office can have his or her name on the ballot without advance central party approval. Allegations that Hutu were discriminated against in this process in northern Burundi are thought to have contributed to the unrest prior to the outbreak of violence. Voting is secret in localities where members are literate, but in some rural areas where members are illiterate, voting is by a show of hands.

Women are represented at all levels in the political life of the country, including many in the UPRONA party and two in Buyoya's Cabinet. Their main vehicle of political expression is the Burundi Women's Union, which is affiliated with the party.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Buyoya Government initially rejected calls for an international inquiry into the August 1988 ethnic violence in the north on grounds of national sovereignty. However, in October the Government informed the United Nations Secretary General that it would be willing to receive a U.N. fact-finding mission to examine ethnic tensions and the refugee problem. It already has permitted outside observers, including the ICRC, journalists, diplomats, historians, representatives of the U.N. and the Organization of African Unity (OAU), and officials of private voluntary organizations to visit the affected areas extensively. The Government is undertaking its own investigation of the events and has reiterated that any outside observers are welcome to visit the area to take stock of the situation. The Buyoya Government restricted ICRC access to some detainees in the wake of the ethnic violence, but by the end of the year was again allowing the ICRC to visit all prisons and other detention facilities. Burundi is a party to several United Nations instruments on human rights, but it has not signed the OAU African Charter on Human and Peoples' Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The minority Tutsi have for many centuries dominated the majority Hutu people. Civil strife has erupted between the two groups several times, most recently in April 1972 and August 1988. In both instances, a Hutu uprising resulting in numerous deaths of Tutsi was followed by military intervention that resulted in massive Hutu killings. In both cases, the violence was followed by thousands of Hutu refugees fleeing Burundi. At the outset of its gaining power in September 1987, the Government of President Pierre Buyoya adopted an official policy of ethnic reconciliation. Buyoya named Hutus

to all levels of government, including 7 to his 23-member Cabinet, and 6 of 15 provincial governors. The changes in nomination procedures for UPRONA party elections also resulted in many more Hutus holding party offices. In the aftermath of the recent violence, President Buyoya, having pledged to create greater opportunities for Hutus, in October gave an equal number of ministerial portfolios to Hutus in his Cabinet and appointed a Hutu as Prime Minister.

Despite these encouraging beginnings, de facto discrimination by Tutsi against Hutu is found in many areas of society, though it is not condoned by law. There are few Hutus in the Army, and the majority of civil service jobs, as well as university and secondary school places, go to Tutsis. Tutsi also dominate the modern economic sector, though in rural areas economic opportunities are roughly equivalent for both ethnic groups.

Women hold a secondary position in Burundi society, although their status is changing from traditional patterns. The suspended Constitution provides for legal equality. The current legal code prohibits polygamy and a dowry requirement, allows women some control over family matters, and provides for land inheritance by women. Although fewer women than men obtain a formal education, once a degree is attained women generally can find suitable employment. The Government has not discriminated against women in hiring.

Section 6 Worker Rights

a. The Right of Association

Burundi workers do not have the right of association as defined by the International Labor Organization (ILO). The UPRONA party controls the national Trade Union Confederation (UTB) and has institutionalized this single trade union structure by means of legislation. No other unions are allowed by law. The present head of the UTB was named by President Buyoya, but all other officeholders were elected by the UTB membership. The principal role of the UTB, to which virtually the entire salaried work force belongs, is to serve as an intermediary between workers and employers in labor matters. The UTB formulates its programs and policies in concert with the Ministry of Labor. Unauthorized advocacy of a strike or lockout is a criminal offense. Therefore, although they are theoretically permitted, there have been no strikes in recent years. The UTB participates in the ILO and is a member of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize outside the UTB. Within the UTB, they have the right to bargain individually and collectively in labor disputes, and in practice UTB has often forced employers to revise their practices. Due to the almost universal membership in UTB among salaried employees, antiunion discrimination is not a problem in practice. There are no export processing zones in Burundi, and labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

While forced or compulsory labor is not permitted under Burundi law, the ILO Committee of Experts has noted that provisions of ordinances concerning the conservation and

utilization of soils and the creation and maintenance of minimum areas of food crops are in violation of ILO Convention No. 29. It has urged the Government to bring the texts into conformity with the Convention and into line with what the Government asserts is actual practice. The Committee also noted that the various legislative provisions, which call for imprisonment (involving obligation to work) for expressions of political views contrary to those of the party, are not in compliance with ILO Convention 105. The Government in this instance has indicated that it intends to examine the possibility of revising the prison legislation.

d. Minimum Age for Employment of Children

Children under the age of 12 may not be legally employed in any capacity, nor may children under the age of 16 be engaged in dangerous or strenuous work. As a practical matter in this poor, largely rural country, many children are obliged by custom and circumstance to help their families in subsistence agriculture.

e. Acceptable Conditions of Work

Over 90 percent of the population of Burundi is engaged in subsistence agriculture. Worker rights are guaranteed by the Burundi labor code and by the UTB, but these rights have relevance primarily for workers in the small, wage sector of the economy. The established minimum wage is $1.03 per day in Bujumbura, and $0.90 per day in rural areas; this wage level is inadequate to provide a decent living for urban families, who frequently supplement their income through family gardening or small businesses. Wages are higher in the few private sector businesses and for skilled jobs. Working hours vary between 40 and 45 hours per week. Saturday afternoons, Sundays, and holidays are times of rest. In the modern economic sector, minimum health and safety standards are monitored by the Ministry of Labor. The enforcement of these standards is limited, due to lack of resources.

CAMEROON

Political power in Cameroon is heavily concentrated in the Presidency. The President appoints all government and party officials and makes all major decisions, although key parliamentarians in the National Assembly and others have behind-the-scenes influence. Cameroon had an active multiparty system when it became independent. Under former President Ahidjo, all parties were gradually consolidated into the Cameroon National Union, which was renamed in 1985 under President Paul Biya the Cameroon People's Democratic Movement (CPDM). Cameroon's political system is a product of the country's ethnic and linguistic diversity, which includes 230 languages and 3 separate European traditions (French, British, and German). Both French and English are official languages, although English-speakers (Anglophones) allege political discrimination by the majority French-speakers (Francophones). A careful balancing act, within the party, is required to maintain political cohesion.

Internal security responsibilities are shared by the National Police (Surete National), the National Intelligence Service (Centre National pour les Etudes et Recherche, CENER), the Ministry of Territorial Administration, Military Intelligence, and, to a lesser extent, the Presidential Security Service. The Ministry of Territorial Administration is in charge of prisons, and the National Police has the dominant role in enforcing internal security laws.

Cameroon's economy remains relatively strong, with a per capita gross domestic product of about $1,200 (1987) that places Cameroon among the middle-income developing countries. Nonetheless, it remains plagued by many problems of underdevelopment, and its economy declined in 1988 as revenues from oil, coffee, cocoa, and other raw material exports declined from previous years. Cameroon's diversified agricultural base and the Government's conservative economic policies help mitigate the effects of declining terms of trade and other external difficulties.

President Biya, who has held office since 1982, has advocated greater "democratization" within Cameroon, and modest steps were taken in 1987 local and 1988 national elections to expand political participation. Nevertheless, one-party control remains firmly in place, and there was only a single candidate in the 1988 presidential elections. Moreover, the Government's human rights record continues to be marked by harassment and arbitrary detention of journalists who write articles critical of the Government and of those who speak out publicly against the Government. By most estimates, 10 to 20 political detainees remain in custody from the arrests that followed the attempted coup in 1984.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killing.

b. Disappearance

There were no reports of disappearance.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is proscribed by the criminal code, which renders evidence obtained by torture inadmissible in court. In addition, the penal code prohibits public servants from using force against any person. Nevertheless, there were credible reports of severe beatings of suspects while in custody in 1988. Poor prison conditions, including inadequate food, sanitation, and medical care, remain problems. Prisoners reportedly have suffered from severe malnutrition unless provided food by friends or families. An American citizen who was detained for 26 hours in 1988 was not fed at all nor provided any toilet facilities during his detention. Persons under "administrative detention" (i.e., political detainees) are kept in special camps or prisons to which access by families and friends is severely restricted.

d. Arbitrary Arrest, Detention, or Exile

Under Cameroonian law, a person arrested on suspicion of committing a nonpolitical offense may not be held more than 48 hours without a court order. However, after an investigating magistrate has determined that the case should be brought to trial and has issued a warrant to that effect, there is no limitation on how long the detainee may be held in "preventive detention" pending trial. Accused persons awaiting trial constitute the majority of persons in the prisons at Yaounde and Douala. Release on bail is permitted by law only in the Anglophone provinces, whose legal system retains features from the era of British rule. Even there bail is granted only infrequently. There have been cases of local or provincial authorities ordering the continued detention of individuals because of personal disputes even after a court ordered their release. The National Intelligence Service, CENER, does not respect fully the penal code requirement that detainees be brought before a magistrate for investigation of possible offenses and holds detainees incommunicado. In 1988 Cameroonian immigration officials detained an American citizen for 26 hours without explanation and repeatedly denied him permission to notify the U.S. Embassy of his detention.

Persons may also be held in administrative detention under legislation pertaining to subversion. The penal code defines detention as the "loss of liberty for a political felony or misdemeanor." Such detention by regional authorities is initially for 1 month, renewable twice, and may be extended up to an additional 6 months by the Minister of Territorial Administration. Those arrested and placed in administrative detention do not disappear--their families are told where they are, although not always promptly--and they are released eventually, although the detention may be lengthy. Under state of emergency provisions, invoked following the 1984 coup attempt and still in force in three western provinces, authorities may order detention for up to 1 week for persons judged "dangerous to public security." The Minister of Territorial Administration may also order detention of such persons for up to 2 months. The order is renewable without limitation. The state of emergency provisions reportedly were used in 1988 on one occasion in the West Province.

By year's end, Albert Mukong, writer and well-known critic of the Government, had been held without charge since mid-June for publicly criticizing the lack of choice in Cameroon's elections. The legal justification for his continued

detention was unclear. An estimated 10 to 20 political detainees, most of whom were apprehended around the time of the 1984 coup attempt, remained in administrative detention at the end of 1988.

Local police occasionally harass citizens and threaten to detain them unless bribes are paid. While these actions are not condoned by high government officials and have been criticized sharply by the President, the problem appeared to increase during the year. In mid-1988, the Secretary of State for Internal Security publicly reminded police of their duty to enforce the law fairly and of the unacceptability of corruption. Small numbers of low-ranking police officials are regularly dismissed for corruption.

While certain political figures remain outside the country, Cameroon does not engage in the practice of forced exile. Early in his first term, President Biya publicly encouraged all those living abroad for political reasons to return to Cameroon without fear of reprisal. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Trial

Trial by a presiding magistrate is guaranteed by law, and this practice is followed with the exception of persons held under administrative detention or state of emergency regulations. Public trials are also guaranteed by law, although exceptions are allowed for the public good or for national security reasons. Trials which involve prominent persons or which are controversial have sometimes been held in private.

Magistrates in Cameroon are career civil servants responsible to the Minister of Justice and are required to have law degrees. Their decisions are usually not subject to government interference, and they generally are considered to conduct fair trials. There was an instance in 1987, in which a magistrate was apparently the object of a retaliatory transfer after rendering a civil judgment against the Government. The Minister of Justice has publicly cautioned magistrates from awarding "excessive" damages against the State, and there have been reported cases of refusal of the Government to pay damages even where a court has found against it. Defendants in felony cases are provided attorneys if they cannot afford to engage their own.

Crimes involving subversion or illegal use of weapons, as well as crimes involving the military, are tried by military tribunal. Each tribunal has three members, and its presiding officer must be a magistrate. In some cases, the magistrate is a civilian, but often he is a military officer. As in felony cases tried in the regular court system, defendants are entitled to either public or private counsel.

Amnesty International's (AI) 1988 report states that a number of persons convicted in connection with the 1984 coup attempt were tried by military courts which did not conform to internationally recognized standards of fairness. The trials were secret, lawyers were given little time to prepare a defense, and defendants had no right of appeal. In 1988 there was concern that some who had been acquitted during those trials, and others who had completed their sentences, had not been released from prison. The Government did not respond to repeated inquiries about these concerns.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both invasions of the home and tampering with correspondence are violations of Cameroonian law. There are reports that police enter homes without warrants during periodic searches for criminals in low-income neighborhoods. Police officials also sometimes enter homes and demand to see receipts for household property as a customs law enforcement measure. Surveillance of suspected political dissidents and the monitoring of mail and of telephone conversations are common.

Membership in the nation's sole legal political party, the CPDM, is encouraged and is open to all, but membership is voluntary.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution of 1972 provides for the freedom of expression and press, but under Cameroonian law and practice these freedoms are restricted. There is no evidence that anyone is punished for privately criticizing the Government. Public criticism, on the other hand, invites imprisonment, as in the case of Albert Mukong, who was jailed without trial in mid-1988 for having been critical of Cameroon's elections during a British Broadcasting Corporation radio interview in London. A singer, Koko Ateba, was jailed until late 1988 after singing a song deemed insulting to the presidential couple at the inaugural ball in May. The Government took harsh action against several independent journalists in March. Two journalists were jailed for 4 months for writing an article critical of the visiting former French President Giscard d'Estaing. Three other newspaper journalists were detained for several weeks in connection with articles concerning a police criminal investigation.

The Government publishes two official newspapers, French and English editions of the Cameroon Tribune, and controls television and radio. The Government censors stories that it finds objectionable. The English edition of the Cameroon Tribune was seized on March 25, 1988, because it reported the resignation of the Speaker of the Cameroonian National Assembly. It appeared 9 hours later, with a half-page advertisement on the front page in place of the article. Official journalists, bound by rules governing the behavior of civil servants, enjoy much less latitude with respect to editorial comment than do their private counterparts. Most official journalists are civil servants who may be transferred to less desirable jobs if they do not censor their own reporting.

The 1988 dismissal of the Director General of the Cameroonian Radio and Television Corporation was caused in part by the broadcasting of a story on poor housing conditions for university students. This has led to concern that television journalists no longer have the leeway they had in the past to monitor sensitive social issues and governmental corruption.

The number of private publications diminished somewhat during 1988, but close to 15 newspapers publish on a regular schedule. No written ground rules exist, and the private press must submit each issue to censors. Issues of foreign-printed periodicals and books have been seized because

they contained articles about Cameroon which the Government considered inflammatory or defamatory.

b. Freedom of Peaceful Assembly and Association

The freedoms of assembly and association, while provided for in the Constitution, are restricted in practice and in law. The Cameroonian penal code prohibits public meetings, demonstrations, or processions without prior government approval, and organizations must register with the Government. While there have been no reports that such permits have been denied, large public meetings in which the Government does not play a role are virtually unknown.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Cameroon is a secular state; there is no established religion. Roughly 20 percent of Cameroonians are Muslim, 30 percent Christian, and the rest animist. Officials of the Government and party are drawn from members of all denominations. Freedom of religion is provided for in the Constitution, but is limited with respect to a few smaller sects. In order for a religious group to exist and function legally, it must be approved and registered with the Ministry of Territorial Administration. The Ministry on at least one occasion rejected an application from a small religious group on the ground that it was too nearly identical to an existing group.

The Jehovah's Witnesses were banned in 1970 and periodically have been targets of harassment since then. In the most recent known incident, a Jehovah's Witness, Augustine Kong, was sentenced to 2 years in prison in 1987 in an illegal border crossing case. According to AI's 1988 report, the organization has been pressing the Government to release Kong.

Observance of traditional religions is not discouraged by the Government, although acts of witchcraft, magic, or divination "liable to disrupt public order or tranquility, or to harm persons or property" are outlawed, with potential penalties of up to 10 years' imprisonment.

Missionaries played a major role in the development of Cameroon and continue to be active. Foreign clergy suffer no ill-treatment. There are no particular restrictions on places of worship, training of clergy, conversion, religious education, or religious participation in charitable activities. Independent Muslim and Christian publications exist in Cameroon, and there is no evidence that they are censored more heavily than the secular press. The exception, again, is the Jehovah's Witnesses, who are not allowed to publish or distribute their religious materials.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country is not restricted by law. In practice, police frequently stop travelers to check identification documents as a security and immigration control measure. Exit visas are required to leave the country and sometimes are obtainable only after long bureaucratic delays. These delays may represent attempts by the Government to

discourage or even prevent departure; or attempts by officials to solicit bribes. The Government has also been known to refuse issuance of a passport, or to confiscate an already issued passport, in order to prevent someone from traveling abroad. Cameroonians who leave the country must deposit sums sufficient to buy a return air ticket for repatriation should they become stranded abroad. There are no restrictions on voluntary repatriation, nor is there any forced resettlement. Married women and children are required to obtain the permission of their husbands/fathers to obtain an exit visa.

Over the years, Cameroon has served as a safehaven for thousands of displaced persons and refugees. The Government currently acknowledges the presence in Cameroon of approximately 50,000 Chadians, some 5,000 of whom have been recognized by the United Nations High Commissioner for Refugees (UNHCR) as political refugees and permitted to live at the UNHCR camp at Poli. Many of the remaining Chadians have integrated into the Cameroonian economy and do not receive government or international assistance. Cameroon returns illegal Chadian immigrants to Chad from time to time, but there have been no confirmed reports of forced repatriations of recognized Chadian refugees. Cameroon is also host to refugees from South Africa, Zaire, Angola, and other African nations, and there are roughly 100 Namibians in Cameroon as students.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

As Cameroon continues to be a one-party state with political power and administrative responsibility concentrated in the Presidency, citizens do not have the right to change the party in power through the electoral process. The President appoints all governors, prefects, and cabinet ministers. Former President Ahidjo resigned in 1982 and was followed in office by his constitutional successor, the then Prime Minister, Paul Biya. President Biya received his own mandate in a single-candidate election in 1984, and subsequently withstood a coup attempt by forces linked to Ahidjo. In March 1988, the National Assembly unexpectedly approved without debate several government-proposed laws and constitutional amendments authorizing the President to shorten his term and call for a presidential election. One month later, President Biya again ran unopposed for a new 5-year term and received 98 percent of the vote.

While the Constitution implies the legality of other political parties, in fact, only the CPDM party is permitted. Membership in the CPDM is open to all religious and ethnic groups. No one attempted to gain legal recognition for a second political party in 1988, although critics of the Government decried the lack of any meaningful choice. The election law also theoretically permits multiple candidates for the Presidency, but alternate candidates from within the CPDM were discouraged in 1988 from seeking signatures on nominating petitions.

All members of the 180-seat National Assembly must be members of the CPDM. Candidates were screened by the party, but, National Assembly elections with multiple candidacies were held for the first time in 1988. The impact of this step toward opening up the political process was reduced when the CPDM, apparently fearing an exacerbation of political and ethnic rivalries, limited the number of candidates in these

elections to no more than two candidates per Assembly seat. In many districts, there was only one candidate per seat. The electoral outcome did produce a new National Assembly with about 120 first-time legislators. The next legislative elections are due in April 1993. Balloting is secret. In the 1988 elections, there were few irregularities at the polls and no accusations of election fraud.

The significance of the nationwide 1987 multicandidate municipal elections--also a first in Cameroon history--was reduced when the CPDM issued a list of those persons it expected to see elected as mayors from among the newly elected municipal councillors.

A number of women are quite active in political life both within and outside the women's wing of the CPDM. Many women ran for offices in various elections, and two currently serve as ministers. About 14 per cent of the newly elected National Assembly consists of women. There are no female governors or prefects.

Dissident groups, including the Union des Populations du Cameroun (UPC, which has been banned since the early 1960's) and the Cameroon Democratic Party, periodically send letters or pamphlets into the country (usually seized by customs officials), or are heard on foreign radio broadcasts. These groups seem to have few adherents in Cameroon. A number of former UPC members are now active in the CPDM.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not respond publicly or privately to inquiries from any human rights organizations, including from AI. The Constitution affirms support for the freedoms guaranteed in the Universal Declaration of Human Rights and the United Nations Charter. Under President Biya, the Government has given increased attention to human rights issues, e.g., in public statements in forums such as the United Nations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Access to the Government's social programs is open to all Cameroonian citizens on a nondiscriminatory basis. President Biya often has taken a strong public stand against the dangers of tribalism, but there remains deep-seated suspicion among ethnic groups. The split between Francophones and Anglophones has served, in some measure, to emphasize ethnic differences. Anglophones are a distinct minority, representing only about 20 percent of the population, and charge discrimination by the Francophone majority. For example, Francophones need not have passed English for admission to the university, but Anglophones must have passed French.

Girls made up 45.5 percent of elementary students in 1984-85, the last year for which statistics are available. Women are underprivileged in access to both higher education and professional opportunities. Girls from the southern part of the country, although disadvantaged at the secondary education level when compared with boys from the same areas, have a considerable educational lead over girls and boys from the Eastern and Northern Provinces. One of the goals of the sixth

5-year plan for economic, social, and cultural development is to improve educational opportunities for women.

Women enjoy equal rights under the Constitution and are politically active in the party and the sole labor union. The women's wing of the party has developed programs aimed at encouraging the economic and social productivity of Cameroonian women. Women are represented in the modern wage sector, although not proportionately in the upper levels of administration and in the professions. Women serve in the armed forces. Polygyny is permitted by law and custom, but polyandry is not.

Section 6 Worker Rights

a. The Right of Association

The labor code recognizes the right of workers to establish trade unions without prior authorization and to join trade unions of their choosing. In practice, there is but one umbrella labor organization in the country, the Organization of United Cameroonian Workers (OCWU), which operates parallel to the official political party. The top union leadership is chosen by the Government. Other unions in the country are subordinate to the OCWU. The OCWU permitted multiple candidates to run in worker delegate elections in late 1987 and early 1988. The OCWU retains the right to approve candidacies, thus assuring political orthodoxy. The OCWU does not play a major role in Cameroonian politics, although it has a membership of approximately 450,000 workers in a working population of more than 3 million. It pursues individual worker grievances and seeks improvements in government programs for worker safety and training.

The OCWU participates in government-regulated labor negotiations, but strikes are illegal. Political activity by trade unions, excepting action designed to protect economic and other interests, is prohibited. The OCWU maintains contact with foreign trade union organizations, including the American Federation of Labor-Congress of Industrial Organizations, but such contact requires government authorization. Cameroon is a member of the International Labor Organization (ILO), and union members comprise the labor component of the Cameroonian delegation to ILO meetings. The OCWU is also a member of the Organization of African Trade Union Unity. It maintains contact with the Central African Trade Union Organization, but is not among the most active within the group.

b. The Right to Organize and Bargain Collectively

The labor code recognizes the right of trade unions or trade union federations to engage in collective bargaining with employers or groups of employers. In practice, collective bargaining is rare, due to the small size of the modern industrial sector and the small number of large employers. Under the law, all employers of more than 10 workers must permit the election of a worker representative from among the employees. This individual has a statutory right to discuss labor conditions with the employer on behalf of the employees and enjoys special protection from arbitrary dismissal. Candidates for these positions must be approved by the OCWU. Although this system has potential for success, worker representatives have used the position more for their own

benefit than that of fellow workers. Labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

While forced or compulsory labor is prohibited by law, the ILO Committee of Experts has noted that provisions of the labor code, the law establishing the National Civic Service for Participation in Development, legislation respecting prisons, and the Merchant Shipping Code are in violation of the ILO Conventions on forced labor. The Government has stated repeatedly that amendments to bring these laws into compliance are being processed or are under study.

d. Minimum Age for Employment of Children

The Cameroonian national labor code sets the minimum working age at 14, a rule which appears to be respected in the modern sector. Labor inspectors from the Ministry of Labor and Social Insurance are empowered to enforce provisions of Cameroon's labor code, as are labor courts. In rural areas where subsistence farming occupies 80 per cent of Cameroon's citizens, children participate in agricultural work alongside adults.

e. Acceptable Conditions of Work

Under the labor code, the minimum annual paid vacation is 18 days, and the legal workweek is 40 hours for nonagricultural employees and up to 48 hours per week for agricultural workers. In order to make room for younger workers, civil servants are encouraged to retire upon reaching the minimum retirement age of 55. Minimum monthly wages are set by the Government for all public and private sector jobs. Wage rates--which range from $62 per month to $103 per month--are based on geographic zones, types of industry, and worker qualifications and seniority. The lowest wages are insufficient to support a family; but, in most cases, they are supplemented by a second job or another family member's earnings. Workers with middle-range wages also are likely to need second incomes to support a family, especially in Yaounde and Douala. Occupational health and safety is mandated by law, based on ILO standards. In theory, these standards are enforced by Ministry of Labor inspectors and labor courts, but they lack the means for effective enforcement.

CAPE VERDE

Cape Verde is ruled by the African Party for the Independence of Cape Verde (PAICV), the country's sole political party, under the leadership of President Aristides Pereira. Most government ministers are also senior members of the party, and many of them were leaders of the revolutionary movement to free Cape Verde from Portuguese rule. The PAICV is officially open to anyone wishing to join, but only about 4 percent of the voting population are members. The Constitution adopted in 1980 declares the party "the supreme expression of the interests of the popular masses." Members of the Popular National Assembly, which is formally the supreme organ of the State, are elected from a slate of candidates which is proposed to the electorate by the party. The Assembly selects the President, who, as Head of State, proposes the Prime Minister to the Assembly. The Assembly ratifies most party and government decisions, but it also serves as a forum for increasingly open debate.

Security responsibilities, formerly divided between the military, the security, and police forces, were combined into a single government department in 1986. The reorganized Ministry of Defense and Security operates under guidelines and leadership approved by the party.

Cape Verde has few natural resources, and for years Cape Verdeans have emigrated to improve their economic condition (over 500,000 live abroad). Cape Verde's development efforts for its population of 360,000 have been hindered by a 20-year drought which has severely affected employment for the rural population and seriously diminished water supplies. The Government has relied on foreign assistance and remittances from Cape Verdean emigrants to help feed its population. Heavy summer rains in 1987 and 1988 may have signaled the end of the drought and hold the promise of improvements in the agricultural sector. The Government is the largest nonagricultural employer. It controls banking, the importation of most basic commodities, airlines, the press, and schools. Private property rights are respected. There is a small but growing private sector which includes shops, hotels, farms, fishing, small industries (such as tuna canning), and the professions.

Political rights are limited in the Constitution, and, in practice, the Government uses its authority, e.g., detention powers, to restrict the expression of opposing views. Outside the political sphere, human rights are generally respected in Cape Verde. Three policemen responsible for the 1987 death in custody of an arson suspect were convicted of murder and were given sentences of 8 to 15 years in prison.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported instances of politically motivated deaths.

b. Disappearance

There were no reported instances of officially inspired disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In November 1987 a young man was beaten to death while in detention in a local jail on Brava Island. The government press made a full report of the incident. The responsible policeman and his superior officers were arrested and found guilty of murder by a special court during 1988. The police sergeant who had killed the victim while trying to coerce a confession was sentenced to 15 years in prison. Two other policemen responsible for leaving the sergeant alone in charge of the station received 8-year sentences. There was no new evidence of torture or other cruel and unusual punishment of prisoners and detainees.

d. Arbitrary Arrest, Detention, or Exile

Cape Verdean law requires that an accused person, unless caught in the act of committing a crime, be brought before a judge and charged within 48 hours of arrest. Additionally, a person may not be arrested without court order unless caught in the act of committing a felony. In exceptional cases, with the concurrence of a court official, the formal charge process may be delayed up to 5 days after arrest. For crimes against state security, however, persons may be detained for up to 5 months without trial upon a judge's ruling. There is a functioning system of bail, and everyone is entitled to representation by an attorney in civil or criminal cases. Those unable to afford legal counsel are represented by lawyers named by the state-run Lawyers' Association.

There were no known instances of forced exile for political or other reasons. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system is composed of a Supreme Court, whose members are appointed by the President, regional courts, and local popular courts. Trials are conducted by one judge without a jury. The Autonomous Institute for Judiciary Support [AIJS], to which all private lawyers belong, provides counsel for needy defendants. Trials appear to be handled expeditiously, and most evidence suggests that the courts protect individual rights in criminal cases. Verdicts can be appealed.

Popular tribunals adjudicate minor disputes on a local level in rural areas. The "judges," appointees of the Ministry of Justice, are usually prominent local citizens without legal training. Their decisions can be appealed within the regular court system.

There were no known political prisoners at the end of 1988. Persons are occasionally convicted of misdemeanors such as disturbing the peace or demonstrating without permission when they express views different from the Government.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution recognizes citizens' rights to the inviolability of domicile, correspondence, and other means of communication. The law requires judicial warrants before searches of homes may be conducted. One outspoken critic of the party claimed in 1988 that he was subjected to constant police surveillance and harassed by threatening phone calls and letters.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution proclaims freedom of speech and intellectual creativity, including the rights of authorship, but it also stipulates that none of these rights and freedoms may be exercised "contrary to national unity." While freedom of the press is not a specific constitutional guarantee, a law adopted in December 1985 assures citizens the right to express opinions in the press. At the same time, however, the party emphasized that this right should be exercised responsibly.

The primary weekly newspaper, radio, and television media are government owned and follow government policies. Occasional stories critical of some aspects of policy are printed or broadcast, probably with prior authorization from the Government. Local radio broadcasts carry items from Western agencies as well as from Communist countries, generally balancing coverage and identifying sources on controversial international issues.

The Government tolerates antigovernment flyers which circulate from time to time. It also tolerates the Catholic Church's monthly newspaper Terra Nova, which sometimes criticizes aspects of life in Cape Verde, as long as its articles are not viewed as a threat to the Government. Terra Nova is considered by many people to be more reliable than the government-run Voz Di Povo and enjoys a wide following. On occasion, the editor and contributors have been summoned before party tribunals to explain their articles. In November 1988, the court convicted the paper's editor, Father Antonio Fidalgo Barros, of abusing the power of the press for publishing a letter alleging financial improprieties by Cape Verdean diplomats abroad. Fidalgo was given a suspended sentence of 3 months in prison, fined the equivalent of $200, and put on 2 years' probation. Cape Verdean courts have delayed trial proceedings in the case of Jose Teofilo Santos Silva, who was charged with "defamation of the image of the state security agency" for his article in Terra Nova which alleged Government torture of political dissidents. Santos claims to have based his article on Amnesty International reports of 1983 and 1984.

In November 1987, Joao Alfredo Fortes Dias was sentenced to 9 months' imprisonment and fined for painting political slogans on walls in Mindelo. He was released on bail and appealed his case to the Supreme Court. His sentence was subsequently upheld by the Supreme Court, and he was required to serve his prison term.

Foreign periodicals generally circulate freely in Cape Verde even when they contain articles critical of or unflattering to the Government, as is sometimes the case with Portuguese

newspapers. International radio broadcasts are received clearly without interference. Almost all movies shown are apolitical in content, and some are occasionally censored on moral grounds.

b. Freedom of Peaceful Assembly and Association

The freedom to meet, to associate freely, and to demonstrate is provided for in the Constitution. As a practical matter, however, no organizations opposed to the Government or its policies are permitted. Private associations other than sports clubs or religious youth groups do not exist. The establishment of such associations is subject to government authorization, and a law is currently under consideration to authorize and regulate professional groups and independent organizations. Party-sponsored "popular organizations" of women and youth are prominent.

The Constitution provides that every citizen has the right and the duty to participate in the political, economic, and cultural life of the country. This provision theoretically could be used to force a person's participation in activities against his or her will. In practice, there is no evidence to suggest that this provision has been so used.

c. Freedom of Religion

The Constitution requires separation of church and state. Freedom of worship is respected by the Government, and members of all faiths practice their religion without harassment. At least two-thirds of the population, including most of the Government leadership, are nominally Catholic, but the dominance of Catholicism does not adversely affect other faiths. Evangelical Protestant and Seventh-Day Adventist are two major religious communities. The Baha'i and Jehovah's Witnesses have smaller congregations.

At least two faiths, the Baha'i and "Christian Rationalism," that were formally banned or suppressed under the Portuguese, have been permitted to reestablish themselves and operate freely since independence. There are no restrictions on religious practices, teaching, or contacts with coreligionists outside Cape Verde. The Catholic Church, for example, openly opposes birth control methods which are advocated and supported by the Government. A few foreign missionaries are active in Cape Verde, and more than half the Catholic clergy are non-Cape Verdean.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no extraordinary legal or administrative restrictions on travel or residence within the country. All resident Cape Verdeans wishing to leave the country, either temporarily or permanently, must obtain exit permission from the Government. Such permission has not been denied for political reasons. Emigration has long been an important and recognized escape valve from prevailing harsh economic conditions. The Government maintains close contact with emigrant communities and provides every opportunity for Cape Verdeans living abroad to maintain their ties with the homeland, including allowing them to vote in elections. A formal government organization exists to safeguard emigrant rights in foreign countries and assist immigrants with legal matters in Cape Verde. Repatriation is a constitutional

right, and the Government does not discourage intending repatriates. Indeed, two new bills designed to further facilitate repatriation are currently under debate in the National Assembly.

Citizenship may be revoked on several grounds, including for activities contrary to the interest of the country. However, there are no known cases of the Government instituting proceedings to deprive persons of citizenship for political reasons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The party's monopoly of power in Cape Verde is enshrined in the Constitution. Opposition parties are illegal and do not exist. Therefore, citizens are unable to change the one-party political system through a multiparty political process. The small group of men who actually led the struggle for independence occupy positions of leadership in both the party and the Government. The Secretary General of the party is President of the Republic, the Deputy Secretary General is Prime Minister, and the third-ranking party official is President of the National Assembly. Five other members of the party's political commission are also Ministers. Not all ministers or secretaries of state are party members, but all clearly serve at the pleasure of the party. Current party membership is about 6,000--4 percent of the total adult population--which represents a doubling in size since independence in 1975. Within this essentially elitist party, there exists a modest opportunity for meaningful political activity. For example, the delegates to the Second Party Congress in 1983, and the leadership itself, were elected by secret ballot with some unexpected changes in the order of precedence for various ministers. The party leadership also made an effort to give women more prominent roles. However, women, who comprise 14 percent of the total party membership, remain underrepresented. The party membership is young (47 percent under 30 years of age), disproportionately urban (50 percent in a nation which is two-thirds rural), and heavily representative of the bureaucracy (25 percent of party members are civil servants or employees of state enterprises).

National Assembly elections were last held in December 1985. A single slate of candidates, all of whom were either party members or nominees with party approval, was presented to voters. The final list of candidates was selected after three stages of local consultations, during which as many as four candidates--not necessarily party members--were considered for each seat. As a result of this winnowing process, several prominent nonparty candidates won party approval and election to the Assembly. Twice-yearly Assembly sessions serve to ratify earlier party and government decisions, but issues are debated openly with critical interventions reported in the media, and voting in such cases is usually not unanimous. Motions introduced by the Government are not always adopted. Deputies criticize government policies and decisions, but policy decisions already made by the Council of Ministers are not reversed by the Assembly.

CAPE VERDE

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government in the past has permitted visits by private organizations to investigate conditions of persons convicted for political or related offenses. In 1987 and 1988, the Government did not officially respond to inquiries from Amnesty International about Joao Alfredo Fortes Dias and two others convicted for painting political slogans on walls. There are no known instances in which the Government has been the subject of investigations by official international organizations. There are no known official or nongovernmental human rights organizations in the country, although the Lawyers' Association for the Provision of Judicial Support performs some of the functions of such an organization. The Catholic Church's monthly magazine published a series of articles on human rights abuses in 1987. The abuses specifically cited include the Dias and Santos cases, plus allegations of police brutality dating back more than 5 years.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Racial discrimination is not a significant problem in Cape Verde, where the vast majority of the population shares various proportions of Portuguese and African ancestry. Sex discrimination exists, although it is prohibited by the Constitution. Many traditional male-oriented values of the Portuguese and African ancestors of today's Cape Verdeans are still part of the country's culture. The code of the family, enacted in October 1981, prescribes the full equality of men and women, including equal pay for equal work, but in practice, women have been customarily excluded from certain types of employment and are often paid less than men. Additionally, police and courts are often reluctant to assist in cases involving rape or wife beating, which are not uncommon in Cape Verde. Both the Government and the party are making efforts to bring women into economic and social activities where they have been traditionally absent. The Government has included women in the labor-intensive economic development projects financed by foreign grants. The Organization of Cape Verdean Women was founded in 1980, with party encouragement, to sensitize the Government and Cape Verdeans in general to issues affecting women.

Section 6 Worker Rights

a. The Right of Association

Workers can associate in unions, but all unions must affiliate with the Workers' Union of Cape Verde (UNTC/CS). It is affiliated with the PAICV and headed by a high-ranking party member. About one-third of the active work force are nominal union members. Individual unions perform some traditional trade union functions and also act as party affiliates. There is no reference to the right to strike in the Constitution or in any legislation. In the absence of any legal prohibition against strikes, the UNTC/CS believes that the right to strike exists, but it has never been exercised. Workers sometimes take positions on specific issues in opposition to government policies in state enterprises. For example, there was a 3-day work stoppage by nonunion casual labor in September 1988 over the piecework rate for cement cargo being unloaded by the State Import Agency. The UNTC/CS participates in the

International Labor Organization and is affiliated with the Organization of African Trade Union Unity, but has not taken positions independent of those officially sanctioned by the Government. It maintains contact with and receives assistance from both Communist and non-Communist national unions abroad.

b. The Right to Organize and Bargain Collectively

Unions are by law the designated means by which workers are represented. The right for unions to function without hindrance is mandated. However, there is no true collective bargaining. As the largest employers, the Government and party are largely responsible for setting wages and other benefits, although the UNTC/CS and the unions have influence in the process.

c. Prohibition of Forced or Compulsory Labor

Forced labor is not practiced.

d. Minimum Age for Employment of Children

The minimum age for employment is 14, and children under 16 are prohibited from working at night, more than 7 hours per day, or in establishments where toxic products are used. All enterprises submit a yearly report to the Director General of Labor with information on salary and ages of each employee. This provides the Government with a vehicle for controlling employment practices. The Ministry of Health, Labor, and Social Affairs is charged with monitoring and inspecting work conditions in major industries.

e. Acceptable Conditions of Work

Minimum wages are established by the Government for both civil servants and private enterprises. As of January 1, 1987, the minimum wage for civil servants was approximately $84 per month. Wages for unskilled workers are considerably lower, and in rural areas the daily minimum for the least skilled types of labor is about $1.62 per day. The minimum wage is barely adequate for a decent standard of living, and workers must often supplement their income through second jobs, extra farming, or family assistance from overseas immigrants. According to an unofficial survey, the current average monthly wage for white collar workers is $170 per month while an unskilled rural worker earns $50 per month. An urban family with combined income over $300 per month can afford to rent an apartment with water and electricity and be wellfed and wellclothed. In contrast, most rural homes have neither water nor electricity but there are no reports of any widespread malnutrition. The workweek for adults is 44 hours over 5 1/2 days. A worker is entitled to at least 1 free day per week. These regulations seem to be respected in practice.

CENTRAL AFRICAN REPUBLIC

The Central African Republic (C.A.R.) is a one-party state in which General Andre Dieudonne Kolingba has held virtually all political power since his accession to power in a bloodless coup on September 1, 1981. In 1986 President Kolingba established the only legal political party, the Central African Democratic Assembly (RDC). Later that year he introduced a new Constitution, which was subsequently approved in a national referendum. In that same vote he was elected to a 6-year term as President. The new Constitution called for direct election of a National Assembly and the creation of an advisory body known as the Economic and Regional Council. Assembly members were elected in July 1987 and held their first session later that year.

The Ministry of Defense controls a military police force (Gendarmerie Nationale), in addition to the armed forces, which number about 3,800 soldiers. These forces share internal security responsibilities with the civilian police force (Police Nationale) under the Ministry of Interior, which is responsible for manning barriers on the major roads and keeping records of the movement of vehicles. The Presidency has its own security force, which has collateral responsibility with the border police for airport security.

The C.A.R. is a poor, landlocked, and sparsely populated country, most of whose inhabitants derive their livelihood from subsistence agriculture. The essentially unregulated agrarian economy, one of the world's least monetized, has suffered in the past from ineffective government fiscal and developmental policies and a poorly trained work force. Since 1982 the Government has tried to implement economic structural reforms in cooperation with international donors; but, against a background of unfavorable global economic trends, progress has remained elusive.

While human rights, especially political rights, are tightly restricted, there were some positive developments in 1988. The National Assembly held its first working sessions, marked by vigorous debates on government policies, such as the economic reform program. Among the laws passed was a measure providing workers the right to organize and form unions, although by year's end labor elements had yet to take advantage of it. Nationwide municipal elections brought a measure of self-determination to the management of local government. A presidential clemency decree reducing the death sentence of former emperor Jean-Bedel Bokassa to a life sentence at hard labor closed a turbulent chapter in the country's history.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There have been no reports of killings or executions for political motives by government forces. In previous years, there were sporadic challenges from dissidents in the northwest of the country. In 1988 some opposition groups which operated in that area took advantage of a government amnesty program to lay down their arms. However, highway robbers, both Central African and foreign, continue to keep the subprefectures of Bocaranga and Paoua unsettled.

CENTRAL AFRICAN REPUBLIC

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The penal code prohibits torture and provides for sanctions against those found guilty of physical abuse. There have been no reported incidents of physical abuse in the past 5 years. Family members, legal counsel, doctors, and clergy generally have access to prisoners, including prominent political detainees. The latter frequently receive special privileges, including permission to leave the prison periodically.

d. Arbitrary Arrest, Detention, or Exile

Under Central African law, political detainees may be held without charge for as long as 2 months, but must then be formally charged or released. Common criminals must be brought within 96 hours before a magistrate, who decides whether formal charges will be filed. In practice, this limit is sometimes exceeded owing to inefficiencies in the system. No system of bail exists. When political detainees are charged, local judicial procedures (which are modeled on the French system) allow for open-ended preventive detention while the public prosecutor prepares the State's case against the accused.

In the past the Government has detained suspected opponents without charge or trial. In March 1988, the Government detained several students who allegedly instigated university strikes and demonstrations protesting government cuts in students' financial aid. Such demonstrations were declared illegal in March 1986. Five student leaders involved in the March 1988 strike were detained for 3 months without charges before being released. Three others were charged with disturbing the peace but were released in November 1988.

The exact number of political opponents in exile is unknown. Up to four former leaders of opposition groups reportedly fear imprisonment if they return. The Government has made it known that former opponents who write and request a pardon may, at the discretion of the President, be allowed to return. There are also a few former students who fled the country in early 1980's, after being censured for involvement in student strikes still living abroad. It is believed that they could return without fear of imprisonment.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

In most cases involving common criminals, the Government permits French-modeled legal procedures to be fairly and openly applied and the laws to be properly executed. The Constitution provides that the judiciary "is guaranteed independence (from) the legislative and executive (power)." However, the President is the guarantor of that independence, notably in his role as President of the Supreme Magistrative Council.

In early 1988, a new High Court of Justice was created to try political prisoners. It replaced a special tribunal made up

of civilian magistrates and military advisers which had adjudicated political cases. It will function in much the same manner as the ordinary courts, where detainees have a right to legal counsel at all stages in the formal procedures. There is no right to appeal, although the possibility of presidential clemency exists. The High Court of Justice is expected to sit for the first time in January 1989.

Former emperor Jean-Bedel Bokassa was tried in the Bangui Criminal Court and sentenced to death in August 1987 after being found guilty of 4 out of the 14 charges against him. After reviewing the trial for technical error, the Supreme Court upheld the decision, but in February 1988 President Kolingba commuted the sentence to life imprisonment at hard labor. The number of political prisoners is unknown. However, in 1988 there were several people serving jail sentences who had been convicted in previous years of writing seditious literature.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

With the significant exception of political and security matters, the Government does not normally interfere in the private lives of citizens. The law formally prohibits the invasion of the home without a warrant, and this prohibition is not generally abused in civil and criminal cases. If a political crime is considered to be involved, police are allowed to search private property without written authorization. To combat increasing local crime, including robbery and assault, citizens' action groups, called vigilance committees, were created by the RDC. These committees consist of 20 young men per neighborhood who have volunteered their services to patrol the streets. They have the right to stop suspected criminals and either take them directly to the police or hold them overnight. In August the RDC instituted a code of conduct to guide committee members, e.g., it forbids them from invading private property or acting in the capacity of a police officer.

Section 2 Respect for Civil Liberties including:

a. Freedom of Speech and Press

The right of private citizens to speak publicly about political developments or to criticize the Government is circumscribed, although most people feel free to comment privately on political affairs. The National Assembly, which held its first session in October 1987, provides a limited forum for public discussion of government policies (see Section 3).

Newspapers, radio, and television are all controlled by the Government, which is careful to ensure that its point of view is reported. The sole regular newspaper is published by the Presidency. A second paper, le Petit Observateur, started publishing bimonthly issues in early 1988, but the Government subsequently banned its production, claiming it had been published illegally.

Other papers appear on a sporadic basis but are closely monitored by the Government, and the distribution of tracts and literature deemed by it to be subversive is prohibited. A government journalist, Thomas Kwazo, who filed a 1986

wire-service story on an alleged meeting between President Kolingba and ex-emperor Bokassa without clearance from his supervisor, was tried and sentenced to 3 years in prison.

b. Freedom of Peaceful Assembly and Association

Despite constitutional guarantees of the right to assembly, only assemblies of a nonpolitical nature can take place without government approval. Groups that register with the Ministry of Interior can hold meetings. Government forces quickly disband unlawful assemblies and, in some instances, arrest the participants.

Student demonstrations during the 1986-87 school year were met by police dressed in riot gear, and one student was injured by a hurled tear gas canister. Student demonstrations and strikes have been banned since 1986. A student association was reestablished in 1987 but was officially disbanded following the December 1987 student strikes.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government generally does not interfere with religious activities as long as they remain strictly nonpolitical in nature. Religious organizations and missionary groups are provided religious freedom by Central African custom. No single religion predominates, nor does the Government appear to discriminate in favor of or against specific religions. Any group whose behavior is considered political in nature is quickly stifled. In 1986 most foreign missionaries belonging to the Jehovah's Witnesses left the country after the Government formally prohibited their activities. Native-born adherents to the sect continue to meet and worship and have not experienced official interference since that time.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

People are generally free to move about within the country, although there are road checkpoints. The right of voluntary travel and repatriation is recognized. Financial and education constraints, rather than government controls, act to restrict most foreign travel and emigration. There were no known cases of revocation of citizenship.

A reduction of political tensions in Chad since 1985 prompted many Chadian refugees in the C.A.R. to return to their homeland voluntarily. Their number in the C.A.R. declined to a few hundred in 1988, from a previous high of 45,000 in 1984-85.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Despite a Constitution which grants citizens the implicit right to change their government, they are unable to exercise this right through democratic procedures. Since 1984 Kolingba has progressively reduced the military presence in government in favor of a larger civilian presence. Although in practice he allows his Cabinet considerable leeway in the day-to-day activities of government administration, Kolingba makes all important policy decisions.

CENTRAL AFRICAN REPUBLIC

Within the context of a one-party state under a strong, authoritarian executive, the Central African Republic has taken steps toward expanding participation in the political process. For example, in 1987 nationwide elections were held for the 52 seats in the National Assembly. (There are 3 deputies representing each prefecture, and 4 representing Bangui; all serve a 5-year term.) Multiple candidates campaigned vigorously, and the secret ballot elections were widely viewed as free and fair. While candidates were vetted in advance by the RDC, party membership was not required.

The Constitution grants the Assembly the authority to debate and vote on legislation brought before it by the executive and, with the concurrence of one-third of the deputies, to initiate legislation of its own. Deputies are promised immunity from prosecution or other government interference for opinions voiced or votes cast during the exercise of their duties in the National Assembly. The first two working sessions of the Assembly in 1988 were characterized by spirited debate and occasional sharp criticism of the Government's proposals. But, in the end, nearly all measures introduced by the executive were adopted with nearly unanimous votes and with few significant amendments.

Elections for municipal councillors were held in May 1988. In the seven largest towns, the Ministry of the Interior chose one member of the elected municipal council to serve as mayor. In the smaller municipalities, the newly elected councillors elected their own mayors, although the central Government appears to have exercised considerable influence over the ultimate choice.

In 1988 women began to play a more visible role in Government. The national women's organization was made an official arm of the national party, and the President appointed the organization's president to the position of Secretary of State for Social Affairs, making her the highest ranking woman in the Government. The national women's organization was instrumental in getting a number of women elected as municipal councillors, but the National Assembly remains an exclusively male preserve. Two of the nation's magistrates are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In 1988 the Government showed increased sensitivity to human rights issues. It responded in detail to questions raised by the U.N. Human Rights Committee, which monitors compliance with the International Covenant on Civil and Political Rights, at its March session and by the International Labor Organization (ILO) conference in June. The Government provided detailed written observations, including counter arguments, to allegations in the U.S. Country Report on Human Rights Practices in the C.A.R. published in February 1988. Representatives of Amnesty International and the International Committee of the Red Cross visit Bangui periodically.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although there are more than 80 ethnic groups in the Central African Republic, each with its own language, the Sangho language is spoken throughout the country. About 70 percent

of the population is Ngbaka, Baya, or Banda. While President Kolingba has made statements about the desirability of an ethnic balance in his Cabinet, preference for high government and military positions has been given to members of his Yakoma ethnic group (approximately 10 percent of the population).

The Constitution mandates that all persons are equal before the law without regard to race, ethnic origin, sex, or religion. Polygamy is legally sanctioned, but the prospective husband must indicate at the time of the marriage contract whether he intends to take further wives. Divorce is legal in the C.A.R. and may be initiated by either partner. Children have the right to support from the father until they reach the age of majority. Although the Constitution forbids discrimination based on the sex of the individual, women have traditionally been accorded fewer opportunities than men. In 1985 and 1986, for example, only 39 percent of primary school students and 26 percent of secondary students enrolled were female, according to Ministry of Education statistics. Certain jobs also remain closed to women, such as service in the Gendarmerie. There are no precise data on the percentage of women in the paid labor force. Many are involved in the marginal labor force--gathering food and firewood and keeping house while others are in commerce as market vendors. While educated women typically find jobs as secretaries, a few are moving into career paths as doctors, teachers, health care workers, economists, financial advisors, and managers.

Section 6 Worker Rights

a. The Right of Association

A 7-year suspension of most trade union activity ended on May 19, 1988, when a law concerning trade union freedom and the protection of union rights was adopted. The new law guarantees employees and employers the right to establish and join organizations of their own choosing; to draw up their own constitution and rules, to elect their own representatives; and to formulate their program of action. By year's end, the right of association existed only on paper, since worker groups had not yet organized themselves. The two seats on the Economic and Regional Council reserved for workers remained unfilled for the same reason, according to the Government. Worker groups claim they cannot organize until the RDC issues implementing regulations for the labor unions.

The 1988 union law neither forbids nor approves labor strikes, but there have been none in recent years.

The number of workers affected by trade union legislation is small, as only about 10 percent of the work force consists of salaried employees and wage earners. The 1988 ILO Committee on the Application of Conventions and Recommendations questioned whether the May 1988 law on trade unions fully conforms to ILO Convention No. 87 on freedom of association. At issue was Article 4 of the law, which states that trade unions may affiliate themselves into a single national confederation. Some committee members maintained that this stipulation improperly restricts the right of unions to affiliate with other unions, and therefore constitutes a violation of Convention No. 87. Local labor leaders have in addition criticized the law for a provision in Article 1 that permits individuals to belong to a union only as long as they are paid employees or employers.

CENTRAL AFRICAN REPUBLIC

The new labor law of May 1988 does not address the issue of whether trade unions may join international organizations, but the 1961 labor code permits this.

b. The Right to Organize and Bargain Collectively

The 1988 union law, which applies throughout the country, accords trade unions full legal status, including the right to own property and to sue in court. Employers are forbidden from discriminating against workers on the basis of union membership or union activity, and infractions can result in the assessment of legal damages. It is too early to tell whether, or how effectively, these provisions will be enforced. Mechanisms for collective bargaining fell into disuse during the 7-year ban on union activity, and had not yet been revived in late 1988. The new law does not specifically address whether trade unions may engage in collective bargaining.

As recently as February, there were occasional reports of government interference with labor leaders. Two prominent figures in the local labor movement were questioned by the authorities following their November 1987 meeting with a visiting African American Labor Center representative. One of these men has claimed that he was briefly detained in February by a community vigilance committee of the RDC because of his union activism, and that on another occasion his house was searched and papers confiscated. Labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

The ILO Committee in the past noted "considerable divergencies" between Conventions No. 29 and 105 on forced labor and legislation and practice in the C.A.R. After the Government presented its case in mid-1988, the Committee concluded that "considerable difficulties still remained." The ILO pressed for a contacts mission to investigate these and other allegations of worker rights abuses. The Government agreed in principle and projected a contacts mission visit in 1989.

The controversy surrounding the issue of forced labor centers around several laws dating back to the 1960's. One purports to eliminate idleness; another requires rural farmers to maintain specified areas under cultivation; a third law specifies hard labor as a punishment for unauthorized political activity outside the then national party, the Movement for Social Evolution in Black Africa (MESAN). The Government stated that the provisions against idleness are obsolete, are not enforced, and would be formally abrogated by Parliament in the near future. It maintained that the law concerning rural cultivation never introduced forced labor, but was designed to provide farmers with technical support services to help them increase production. As for the law on political activity outside of MESAN, the Government responded that MESAN was dissolved in 1979 and that the law was therefore obsolete.

There exists a local penal practice, termed "corvee," which sentences men without identification papers to a day or two of labor--usually clearing roadside weeds. But this practice has not been cited by the ILO as a violation of forced labor conventions.

CENTRAL AFRICAN REPUBLIC

d. Minimum Age for Employment of Children

Employment of children under 14 years of age is forbidden by law. The relevant legislation is only loosely enforced. Jobs are in such demand that children in the labor force are generally limited to working as helpers in family businesses, such as agriculture, and in towns, selling food products or cigarettes.

e. Acceptable Conditions of Work

Minimum wages are established by the Government, and a social security system exists for private industry. The minimum wage for a manual laborer, for example, is about $40 per month, and about $140 per month for a stenotypist. These amounts are barely adequate to maintain a decent standard of living. The Government has not raised the minimum wage since 1980, partly in response to pressure from foreign donors. Much labor is performed outside the wage and social security system, especially in the large subsistence agricultural sector by self-employed farmers. The law sets maximum working hours for government employees and most people in the private sector at 40 hours per week. Domestic employees may work up to 55 hours. There are also general laws on health and safety standards in the workplace, but they are neither precisely defined nor actively enforced.

CHAD

With his power base in the Armed Forces, Chad's President Hissein Habre heads an authoritarian government which came to power in 1982 after a protracted civil war. President Habre governs through the Council of Ministers and the National Consultative Council, both appointive bodies. The multiethnic National Union for Independence and Revolution (UNIR), created in 1984 to broaden Habre's political constituency, remains the only officially recognized political party. In November the party held its second National Congress attended by representatives from all parts of the country. In accordance with the Fundamental Act of 1982, laws, decrees, and ordinances are proposed by the President and the Council of Ministers and discussed in the National Consultative Council prior to promulgation.

President Habre continued his efforts in 1988 to integrate disparate elements into his Government. Many former opponents, including some who were in armed conflict with the Government as recently as 3 years ago, have been brought into the civil service and army, several at the ministerial level. However, President Habre's long-time opponent, ex-President Goukouni Oueddei, remained in exile.

President Habre employs a large internal security apparatus. In addition to the army and police, it includes the National Security Service (DDS), the Special Rapid Intervention Brigade (BSIR), rural paramilitary police (the gendarmerie), and a Presidential Security Service. The Government has been concerned about growing terrorism, believed to emanate from Libya, and widespread lawlessness in a heavily armed population.

Chad remains desperately poor, and its economy has been severely dislocated by the extended war with Libya and by declining world prices for its principal export, cotton. Its estimated 4.5 million population has one of the lowest per capita annual incomes in the world ($178 in 1988). The Government relies heavily on foreign donors, particularly France, to finance government operations and to fund development projects. Some recovery was noted in 1988 as a stringent World Bank plan began to operate.

Human rights in Chad remained tightly circumscribed in 1988. The Government continued to hold both a number of persons--including some who had returned voluntarily from exile--in detention without charge as well as an estimated 2,000 Libyan prisoners of war (POW's). Reports also continued to surface of human rights violations, including summary executions by government forces in 1986. Violations of human rights due to war largely ended in 1987, and tensions between Chad and Libya eased slightly in 1988 with the reestablishment of diplomatic relations in October. At the end of the year, an uneasy truce prevailed with Libya, but the key issue, Libyan occupation of the Aozou strip on the northern border, remained unresolved. In line with his national reconciliation efforts, Habre appointed a broadly based Constitutional Commission in July to draft a constitution. The Commission was expected to present its final draft early in 1989.

CHAD

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no verified instances of government-instigated political killings in 1988. International human rights organizations, e.g., Amnesty International (AI), focused attention on information coming to light about extrajudicial executions and other violations allegedly committed by government forces in 1986.

b. Disappearance

There were no reported disappearances in Chad during 1988. In its 1988 report, AI expressed its continuing concern that the Government had failed to account for a number of people who "disappeared" in 1986 after being detained in previous years, and who were reported to have been executed extrajudicially by government security forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no confirmed reports of torture of prisoners or civilians in Chad during 1988. Again there were numerous allegations that Presidential Guard troops used beatings, detentions, and other forms of intimidation as a means of maintaining security in parts of Guera Prefecture. The abuses took place prior to 1988 following an armed Hadjerai insurrection movement in which a number of government troops had been killed.

Prison conditions in Chad are poor, and abuses in handling prisoners, usually in the form of beatings, are common. Conditions are reportedly very harsh in the special detention centers maintained by the DDS and other security organizations. The lack of food and medical treatment is especially glaring, and prisoners in past years have died of malnutrition and physical abuse. AI's 1988 report states that during 1987 information was received about a number of deaths in detention in 1986. Victims included Alhadj Dana Iyo, Hassana Tom, Boulema Hassana, Guilou Hassane, and Abdoulaye Bichara.

d. Arbitrary Arrest, Detention, or Exile

Under Chadian law, the authorities are required to show probable cause in making arrests and to follow established judicial requirements in detaining persons (see Section 1.e.). However, in security/political cases, (the term is very broadly interpreted), the Government has a completely free hand. Those who express views critical of the Government, or hold views different from it, often are regarded as endangering the security of the State and may be subject to indefinite detention without trial. Many detainees are held incommunicado, and most are never charged or tried. For example, Saleh Gaba, a Chadian journalist and part-time reporter for the Associated Press and a local Roman Catholic radio station, has been held incommunicado since mid-July 1987 with no date having been set for trial. In October and November, there were unconfirmed reports that Gaba had died in prison in June.

CHAD

The total number of political detainees as distinct from prisoners of war is not known. A number of people, primarily members of a clan of the Hadjerai tribe, were arrested on security grounds in 1987 and remained in detention during 1988 without charge or prospects of trial.

During 1988 Chad held in prison several hundred Chadians, former members of armed factions opposed to the Government, as well as a large number of Libyans captured during the years of struggle (1982-1987). The Government considers these captives, including the Chadians, to be prisoners of war (POW's) rather than "political detainees." On December 25, the Government freed 312 of the Chadian prisoners; less than 150 of the Chadians remained in prison at the end of the year. The Government permits representatives of the International Committee of the Red Cross (ICRC) regular visits to about 600 POW's captured before early 1986 (mostly Chadians who fought on the Libyan side). But it steadfastly refuses ICRC access to Libyan POW's captured since 1986 (estimates of the number of 1987 captives range up to 2,000). A number of Libyan POW's have joined the Libyan National Salvation Front, which is opposed to Colonel Qadhafi's regime and which is based in Chad. These are no longer considered POW's by the Government. Under Organization of African Unity (OAU) auspices, Libya repatriated 214 Chadians, including a few Chadian POW's, in late September.

The President has called for persons in exile to return to Chad; many of them have done so and have been integrated into the Government and military. There also have been reports of detention by government security forces of former Chadian exiles upon their return to Chad. AI's 1988 report listed three 1986 arrestees--Hadja Merami, her daughter Azzina, and Mahamat Abdelbaqui--who were believed still held without charge at the end of 1988. AI also received reports of the detention without charge of relatives of exiled government opponents, including Moussa Konate and Abdellatif Tidjani, who as far as is known, were still in detention at the end of 1988.

President Habre's principal rival, ex-president Goukouni Oueddei, remained in self-imposed exile in Libya in 1988, demanding a restructuring of the Chadian army and of the sole legal political party, UNIR. In November a major armed opposition faction, the Revolutionary Democratic Council (CDR) of the Chadian national front, led by Acheik Ibn Oumar, signed accords in Baghdad agreeing to return to Chad and join the Government. Arrangements were under way at the end of 1988 for the repatriation of 1,000 of the faction's armed followers.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The regular Chadian judicial system (the Supreme Court and several lower courts) and criminal code have evolved from the body of law (Napoleonic Code) inherited from the former colonial power, France. In theory, this law incorporates safeguards against arbitrary arrests and provides for specified detainee rights, including the right to counsel and the right to be informed promptly of charges.

In practice, armed conflict over more than 20 years has severely disrupted the legal system, and the judiciary is subservient to the executive. The Government has made efforts to reestablish civilian law enforcement in liberated areas,

especially the operation of the regular courts. Whether accused of crimes for criminal or security offenses, most Chadians do not get speedy trials, in part because of the rudimentary nature of the Chadian judicial system. There are only a few trained lawyers, judges, and other court personnel. Many of Chad's tribunals do not even have law books. The few trained judicial officials complain of a heavy backlog of cases. Trials can be held in public or private at the option of the Government. No legal right to a timely trial exists.

There is also a traditional system of law presided over by sultans and chiefs. It is generally effective and fair in resolving property and other civil disputes and in dealing with cases involving petty local crime. Decisions in customary courts may be appealed to the regular courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Chadian law, homes may be searched only during the day and under authority of a warrant. In practice, there are many instances where the law has not been respected. Correspondence carried by people traveling overland in Chad is often checked by authorities at various points. But correspondence sent through the Chadian postal system is only intermittently subject to such controls.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Free speech is assured under Chadian law; but, in practice, public or private statements critical of the Government would be considered seditious by the authorities and would likely lead to arrest. There is no prior censorship on the publication or broadcast of information in Chad, but the media (radio and two news sheets) are largely government controlled and directed. The small Chadian press corps is careful not to criticize either the Government or its policies. The Government does permit controlled criticism of individual officials and ministries to appear from time to time. Academic freedom is nominally respected but does not include freedom to criticize the Government.

The Government's treatment of foreign correspondents has been uneven. At times, the foreign press has been given free access to officials and, despite various conflict situations, correspondents have been allowed to file their stories with no prior censorship. At other times, foreign correspondents have been denied visas for entry into Chad or expelled from the country for no apparent reason. On a few occasions, correspondents have had to submit their stories for government approval.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association is restricted. Chadians may assemble peacefully only as long as the purpose of the meeting is not opposed to government policies. Prefects have the nominal right to forbid a meeting, but prior permits are not required unless the gathering anticipated is large enough to cause a public hazard.

Membership in UNIR is voluntary. President Habre is intent on having a single mass political movement to which all Chadians belong. But he refrained in 1988 from forcing the dissolution of a number of former opposition political groupings, such as those associated with southern factions.

For a discussion of freedom of association as it pertains to labor unions, see Section 6.a.

c. Freedom of Religion

Chad is officially a secular state. Islam, Christianity, and other religions are practiced freely. Both Islamic and Christian holidays are given official status. More than 50 percent of Chad's population is Muslim, and Chad is a member of the Organization of Islamic Conferences. Christian missionaries may, nevertheless, enter the country, proselytize, and provide assistance to local populations. They are particularly active in the south. Strictly religious publications are allowed to circulate freely. The Government neither favors nor disfavors members of particular religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Chadians enjoy complete freedom to move around the country except within military zones or areas of recent or potential combat. These restrictions generally pertain only to the northern one-third of the country and are not enforced for the sparse nomadic population that lives in that large desert region. In the north, the retreating Libyans left thousands of landmines under the sand; these have claimed some civilian victims. International travel is permitted, but regular passports are expensive (about $60), and travelers must be cleared by Chad's internal security services, a process which normally takes less than a week. Chadians are free to emigrate.

In previous years, many Chadians fled to neighboring countries because of drought and civil strife. As conditions began to improve in 1986, thousands of these displaced Chadians returned from neighboring countries. Despite Chad's limited material means, these repatriates, as well as those Chadians who fled the occupied northern zone, have generally been well received. There are almost no refugees from other countries in Chad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the present Chadian political system, citizens do not have the right to change their government. Chad has been in a state of civil strife since 1965, with as many as 11 factional armies contending at times for control of the country. Since June 1982, Chad has been governed by President Hissein Habre, who heads a Council of Ministers complemented by an appointed National Consultative Council (protolegislature). Both Councils are carefully balanced to promote ethnic and regional harmony. The source of President Habre's authority is the allegiance he commands from the armed forces, the security services, and the country's only authorized political movement, the National Union for Independence and Revolution (UNIR). UNIR's bylaws mandate the popular election of lower level officials, but no elections have been scheduled. In some areas, traditional leaders (e.g., cantonal or village

chiefs) are popularly elected or chosen by the subordinate members of the traditional hierarchy (village chiefs or family heads, for example).

Having achieved success on the battlefield, President Habre has continued efforts at national reconciliation on the political front. The "Libreville Accords," signed in late 1985 in Gabon by the Government and the opposition parties, provide for the eventual drafting of a new constitution by the National Consultative Council, to be voted on by referendum within 4 years. The new constitution is to provide a time frame for free elections. President Habre appointed a Constitutional Commission in July 1988 with instructions to present the draft of a new constitution for Chad by the end of 1988. The Commission had not completed its deliberations at the end of the year, but it is expected to do so early in 1989.

In 1984 the Ministry of Social and Women's Affairs was created and has since been headed by a woman. One of the 15 members of the Executive Bureau of UNIR's Central Committee is a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government accepted an AI mission in 1985 to discuss human rights, including the status and conditions of prisoners of war, who, the Government maintains, are held in recognized detention centers. It did not respond to several recent AI requests for information, including a request in 1986 for details on alleged human rights abuses committed by Libyan troops in northern Chad. As noted, Chad cooperates with the ICRC, but continues to deny the organization access to a significant number of Libyan POW's. Chad has no internal human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are 200 ethnic groups in Chad. These are roughly divided between Saharan and Arab Muslims in the northern and eastern regions, and Bantu-speaking peoples in the south. The latter group includes both those who have retained traditional animistic practices and those who have adopted Christianity. Over 20 years of conflict have transformed the complexity of ethnic divisions beyond simple north-south formulations. In an effort to build a national government, President Habre has expanded ethnic and geographic representation by appointing ministers, deputy ministers, and administrators from all parts of the country.

Officially, Chadian women enjoy full political equality. In practice, neither Chadian traditional law nor the inherited French colonial code fully protects women's rights. Women contribute the bulk of labor in virtually all aspects of farming even though the heads of agricultural cooperatives still tend to be men. Women also engage in commerce ranging from simple market stalls to the ownership of some larger businesses. Women serve voluntarily in the armed forces, although they are excluded from officer training programs.

CHAD

Section 6 Worker Rights

a. The Right of Association

About 95 percent of all Chadian workers are involved in subsistence agriculture, animal husbandry, or fishing. As a result, the labor movement is very small and only marginally effective. Chad's labor laws permit the formation and functioning of unions subject to restrictions. The country's two rival trade union federations were merged in mid-November into a single national umbrella organization, the National Union of Chadian Trade Unions (UNST), which subsequently became the labor wing of the ruling UNIR party. All unions are required to be members of the UNST, which is controlled by the Government. The UNST is expected to continue the practice of its predecessors in participating in the meetings of the International Labor Organization (ILO) of which Chad is a member. Early indications are that the UNST will not seek to affiliate to any international trade union organizations apart from African bodies such as the Organization of African Trade Union Unity.

The right to strike exists only after arbitration at three levels in two Ministries (Labor and Justice) fails. This process, which in effect makes most strikes illegal, has been criticized by the International Confederation of Free Trade Unions. The ILO is advising the Government in the preparation of draft language for a new labor code that would conform to ILO conventions and thereby strengthen workers' rights to strike under law and in practice.

b. The Right to Organize and Bargain Collectively

The right of labor to organize and bargain collectively is established in Chadian law. But it is weakened by provisions that allow the authorities to intervene in the collective bargaining process and require prior government authorization for collective agreements to come into force. Government labor tribunals exist to hear worker-employer disputes. Their decisions may be appealed to the judicial system. Labor laws are applied uniformly throughout the country.

The ILO's independent Committee of Experts on the Application of Conventions and Recommendations noted in 1988 the Government's stated intention to amend the labor code to reduce significantly government interference in the collective bargaining process. It also observed that further steps were necessary to repeal or amend ordinances and sections of the current labor code in order to prevent antiunion discrimination by employers and to eliminate provisions which prevent political activity by unions.

c. Prohibition of Forced or Compulsory Labor

The ILO has been critical of Chad in the past for the use of forced labor. However, the Government is also continuing discussions with the ILO on revising its outdated labor laws to meet ILO conventions on forced labor.

d. Minimum Age for Employment of Children

The minimum age for employment is 14 in the wage sector. However, as Chad is predominantly a labor-intensive agrarian society, children work on family farms at a much earlier age.

CHAD

e. Acceptable Conditions of Work

The statutory minimum for wage labor is approximately $25 per month, which is barely sufficient to provide subsistence. Given the Government's frequent budgetary shortfalls, civil servants below the executive level receive only 60 percent of their salaries on the scale established in 1977. Most nonagricultural work is limited to 48 hours per week, with overtime to be paid for any excess. Agricultural work is supposedly limited to 2,400 hours per year. All workers must have at least 24 consecutive hours of rest each week, usually on Sunday. Occupational health and safety standards are established by law and ministerial decree; but, as with most social legislation, enforcement is weak.

COMOROS

The Federal Islamic Republic of the Comoros comprises three islands of the Comoros Archipelago, located in the Mozambique Channel between East Africa and Madagascar. The fourth island, Mayotte, is still governed by France. Comoros unilaterally declared its independence from France in 1975. The first president, Ahmed Abdallah Abderemane, was overthrown shortly after independence in a mercenary-led coup but regained power in 1978 when mercenaries ousted the increasingly repressive and xenophobic regime of Ali Soilih. Abdallah, who was reelected unopposed for a second 6-year term in 1984, is the dominant political personality in the country. Traditional social and economic institutions still influence the country's political development. Village notables and religious leaders dominate local politics.

A mercenary force of about 30 expatriates continues to train and lead the Presidential Guard, the best-equipped security force in the islands. French technical assistance is provided to the small Comorian armed forces and the gendarmerie. On November 30, 1987, a group of dissidents and Comorian former members of the Presidential Guard unsuccessfully tried to capture a Guard camp in an apparent coup attempt. Three attackers were killed and a number arrested by the Presidential Guard in the aftermath.

Agriculture dominates the economy but, with a population of 450,000 likely to double by the year 2000, Comoros is running out of arable land, and soil erosion on the steep volcanic slopes is an increasing problem. Revenues from the export of vanilla, essence of ylang ylang, and cloves continue to fall, covering the costs of an ever smaller portion of imports. There are virtually no industries, port facilities are inadequate, and highway and communications infrastructure is limited. Three major families, of which the President's is one, control most of the import-export business. Comoros is part of the French franc monetary zone. Government expenses far exceed revenues, and the country depends heavily on France for budgetary support and technical assistance. Discussions are under way with the World Bank about a structural adjustment program.

A number of significant restrictions on human rights continued in 1988, especially in the aftermath of the November 1987 coup attempt. At the end of 1988, none of an estimated 40 persons initially detained in the attempt (the Government admits to 5 still in detention) had been brought to trial. Also, the Government had not responded to charges that several persons had been tortured to death. One of the leaders of a 1985 coup attempt was released from prison in March, while eight or nine members of the Presidential Guard remained incarcerated from that attempt. Also in March, four persons were arrested on Moheli after distributing a leaflet complaining about the central Government's neglect of their island, the smallest and least developed of the four. Charges were never formally brought against them, and they were released in June.

COMOROS

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killing in 1988.

b. Disappearance

There were no reports of disappearance in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were reports that at least three persons involved in the November 1987 coup attempt died of torture. The Government acknowledged that there had been three deaths, but at the end of 1988 had provided no explanation of the circumstances causing them.

d. Arbitrary Arrest, Detention, or Exile

The Government has detained persons incommunicado in the past, especially in security cases. The number of arbitrary arrests and detentions, mainly by the Presidential Guard, declined in 1988 from levels in earlier years. Following the November 1987 coup attempt, as many as 40 people were detained, but most have been released without charge. The Government admits there are five persons in prison awaiting trial, but it is possible that several others may still be held incommunicado by the Presidential Guard.

In regular criminal cases, a person may not be detained more than 48 hours without being charged. This is generally followed in practice. However, there is apparently no such limit in cases involving national security.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for the equality of all citizens before the law and the right of all accused to defense counsel. The Comorian legal system applies Islamic law and an inherited French legal code. French and Comorian experts are drafting a new consolidated legal code. Most disputes are settled by village elders or by a civil court of first instance. In regular civil and criminal cases, the judiciary is independent, and trials are public.

There was no indication at the end of 1988 when those detained after the 1987 coup attempt would be brought to trial. The 1986 and 1987 trials resulting from the 1985 coup attempt were criticized as unfair by human rights groups.

With the release from prison in March of one of the leaders of the outlawed Comorian Democratic Front, one civilian and eight or nine members of the Presidential Guard involved with the 1985 coup attempt remained in prison. President Abdallah considers Moustoifa Said Cheikh, the Secretary General of the Front, to be the only political prisoner in the country.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of home and property. There were no known cases of arbitrary interference with privacy in 1988. There is no regular, systematic interference with correspondence. However, some members of the opposition believe that their mail may be screened by the Presidential Guard.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, of thought, and of conscience. Comorians discuss and criticize the Government and its leading personalities openly in some situations. For example, social occasions, such as the traditional lavish, extended weddings and funerals of prominent Comorians, are used as opportunities to discuss political topics. The so-called tribune libre, an informal private forum for discussion of political, economic, social, and other issues, has been in existence for several years. Meetings are by invitation, but all subjects are covered, and the existence of the group is known and tolerated by the Government. Attendees include figures from both the public and private sectors.

However, the Government seeks to restrict public criticism of its performance. In March four individuals were arrested on Moheli, the smallest and poorest island, for distributing a leaflet accusing the central Government of neglecting their island. No charges were ever filed against them, and they were released in June, but the three who worked for the Government were fired from their jobs.

The local news media consist of the government-owned radio station and a semi-independent bimonthly newspaper, which generally avoid criticism of the Government when covering domestic events. However, the Paris-based Indian Ocean Newsletter, which is often critical of the Comoros, and the Comorian Letter, which is published by members of the Comorian opposition in Paris, generally arrive unhindered through the international mail. Other foreign journals and newspapers are available, as are books from abroad.

b. Freedom of Peaceful Assembly and Association

The Constitution states that freedom of association is guaranteed. In practice, however, Comorians are circumspect about organizing public political gatherings. On several occasions in 1988, Comorians expressed their opinion by boycotting mass rallies the Government sought to organize to discuss constitutional changes.

Various cultural, musical, and community development associations exist throughout the country. The Chamber of Commerce and Industry, which is controlled largely by the Government, belongs to and participates in the activities of regional and international chambers of commerce.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

COMOROS

c. Freedom of Religion

An overwhelming majority of the population is Muslim. The Constitution holds Islam to be the "wellspring of the principles and rules which guide the State and its institutions." However, the State upholds the right of non-Muslims to practice their faith. There are churches for the small Protestant and Catholic populations. Christian missionaries work in local hospitals and schools, but they are not allowed to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within the Comoros and travel abroad for citizens and foreigners is not restricted. Members of the large Comorian community abroad, concentrated in France, oppose the Government, but in 1988 there was no evidence that those returning to the Comoros were subjected to governmental reprisals.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The current one-party political system provides no mechanism for citizens to change their government legally and peacefully. President Ahmed Abdallah is the single most important factor in Comorian politics and either directly or indirectly controls all three branches of the Government and makes all the key decisions. He commands the personal loyalty of the Presidential Guard, and his position is buttressed both by tradition and by his own personal wealth. Although Abdallah is the preponderant figure in politics, the senior notables, or elders, of all three islands constitute something of a brake on his authority. Following the 1987 coup attempt, for example, he met with a large delegation of the elders of Grande Comore concerning the situation.

In recent years, the President's authority has been increased through several constitutional changes, e.g., eliminating the post of prime minister and appointing rather than electing governors of the islands. In 1988 there was considerable public discussion about modifying the Constitution again, namely, to restore the post of prime minister, to increase the power of the governors, to make the Federal Assembly president the designated successor to the president, and possibly to alter the provision which restricts the president to two 6-year terms.

In the 1987 National Assembly elections, opposition candidates were permitted to run, but there was widespread fraud on election day, and the ruling United Progress Party (UPP) won 41 of 42 seats. In 1988 an opposition candidate won the by-election to fill the remaining vacant seat in the Assembly. A "responsible opposition" composed of about 12 former senior officials, including the last prime minister, is tolerated by the Government. The group's January call on the President to discuss the aftermath of the November 1987 coup attempt was well publicized by the local media.

Comoros continues to claim sovereignty over Mayotte, which did not join the other islands in declaring independence from France in 1975. The results of a 1977 referendum on the status of Mayotte--overwhelmingly in favor of remaining with France--has never been accepted by the Comorian Government.

COMOROS

The French have indefinitely postponed a new referendum. In the June 1988 French parliamentary elections, 98 percent of the voters on Mayotte supported candidates advocating closer ties to France, while less than 2 percent favored candidates advocating independence or reunification with the Comoros.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Since 1986, when Comorian government officials met with an Amnesty International (AI) delegation, the Government has not responded to requests from human rights organizations. For example, the Government, as far as is known, has not responded to AI's call for an investigation regarding the alleged use of torture on some detainees held after the 1987 coup attempt.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The constitutional recognition of Islam's special status formalizes the deeply held commitment of most Comorians to an Islamic world view. The society respects authority based on inheritance, age, wealth, and religious leadership.

The Constitution formally provides for the equality of citizens regardless of race, sex, or religion. Women have the right to vote and to participate, in theory, in the political process as candidates. However, tradition has been a powerful force in discouraging women from direct participation in politics. Women are neither veiled nor limited, in terms of employment, to minor civil service posts. Change in the status of women is most evident in the major towns. Nevertheless, within Comorian society, men have the dominant role.

Section 6 Worker Rights

a. The Right of Association

The Constitution allows workers to form unions and to strike. However, farming on small landholdings, subsistence fishing, and petty commerce make up the daily activity of most of the population. Hence the wage labor force is very small, and there are no formally constituted, legally recognized unions at present. There have been sporadic groupings of workers in various sectors (dockers, taxi drivers) who have formed temporary associations for presenting specific grievances, but these have tended to dissolve after their demands were met. Public service employees are not subject to the Labor Code, but are granted the right to organize in civil service legislation. There is an active teachers' association. The increasing scarcity of jobs is also a real restraint on labor complaints, organizational activities, and formal strikes. The Government's inability to pay wages and salaries on schedule sometimes results in work slowdowns, absenteeism, and informal, peaceful protests.

b. The Right to Organize and Bargain Collectively

The absence of formal unions does not mean that collective bargaining does not exist. There are various informal collective conventions between workers and employers.

COMOROS

There are no export processing zones in the Comoros. Labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in the Comoros.

d. Minimum Age for Employment of Children

The minimum age for employment of children is 15. This is generally respected. Child labor is not an issue due to the lack of employment opportunities for adolescents and young adults. Children do help in family units in the large subsistence sector. Young workers are active as apprentices in jewelry-making and woodcarving.

e. Acceptable Conditions of Work

Most of Comoros' inhabitants make their living from subsistence farming and fishing. There is virtually no industrialization or factory activity. Jobs in the small modern economy are scarce, and accordingly wages are low. Salaried workers are found in port activities, public transport, three or four large companies engaged in vanilla processing, ylang-ylang distillation and baking, some remaining colonial-era plantations, as well as in a soda bottling plant, a commercial bank, a soap factory, and a shirt factory. The salaried sector numbers fewer than a thousand workers. The currently accepted minimum wage is approximately $50 per month, which is barely adequate to cover basic human needs. However, the hours of work in any category rarely exceed 35 hours per week.

CONGO

The People's Republic of the Congo is officially a Marxist-Leninist state governed by an elite group of civilian and military officials through the single legal party, the Congolese Labor Party (PCT). Chief of State and Head of Government, President Denis Sassou-Nguesso, also serves as President of the PCT Central Committee. The President nominates the other 10 members of the PCT Political Bureau, the key policymaking group, whose selection is approved by the 75-member Central Committee. Central Committee membership is balanced among southern, northern, and central ethnic groups. The military and security services are firmly under the control of the northerners, and they ultimately are the arbiters of power in the Congo. But the need to maintain a consensus among the competing regions and ethnic groups provides a check on arbitrary policies.

The security apparatus, which is under the direction of the Presidency, is headed by the State Security Organization (DGSE) and is patterned after those in Eastern Europe. Its principal objective is to protect the State against possible dissident activity. PCT "core groups" are in all ministries, labor organizations, mass organizations, and urban districts to monitor the activities of workers and neighbors. The military forces are also used for internal security purposes.

The Congolese economy is highly dependent on oil, which in 1988 accounted for over 90 percent of exports. Sharp reductions in oil revenues forced the Government to cut its budget in half in 1985 and to accept an International Monetary Fund (IMF) adjustment program in 1986. In 1987 the World Bank approved two loans totaling $85.2 million for a structural adjustment program and a short-term advisory program to study reforms in public enterprises. The IMF program expired in April 1988; negotiations for a second accord were under way at the end of the year. Within the PCT leadership there has been much discussion about mismanagement of the economy.

The human rights situation in the Congo changed little in 1988. Most Congolese live their daily lives with little governmental and police interference so long as they refrain from opposing the Government or criticizing its goals. There was a coup attempt against the Government in July 1987 led by former army captain Pierre Anga and a few supporters with alleged ties to former President Joachim Yhombi-Opango. In August 1987, government forces engaged Anga and several others in battle in the northern town of Owando. Anga fled and remained at large until July 1988, when he was tracked down and killed by government troops. According to Amnesty International (AI), the Government arrested 60 or 70 people in the coup aftermath, including several of Anga's relatives, many of whom remained in preventive detention without charge in Brazzaville at the end of 1988. Also, Yhombi-Opango remained under house arrest in Brazzaville. Although the President announced in August the unconditional release of all political detainees and convicted prisoners except those arrested in connection with the 1987 coup plot, at the end of 1988 a number of political detainees and convicts apparently remained in prison.

CONGO

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported politically motivated killings.

b. Disappearance

There were no reported cases of disappearance for political motives.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The practice of beating suspects at police stations and at state security centers in the course of interrogations is common. The public or the police frequently beat thieves who have been caught in the act of stealing. Political detainees are held incommunicado, and it is reasonable to assume that police use torture to extract desired information that is not freely given. Several political prisoners held incommunicado in the past are now leading normal lives with no apparent ill effect. Some have regained earlier status and others are serving as government ministers.

Prison conditions in general are poor, and there is a lack of adequate food, hygiene, and medical care. Both detainees and prisoners may be visited by family or friends, who bear all responsibility for providing food and medicines.

AI in various statements and reports, expressed concern over reports of torture of some of those detained after the 1987 coup attempt, including Lt. Colonel Eboundit, Georges Mafouta-Kitoko, and Eugene Madimba. The Government denied that Eboundit had been tortured or was in ill health. Eugene Madimba was resettled in France in 1988 with the assistance of the United Nations High Commissioner for Refugees (UNHCR).

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides protection against arbitrary indictment, arrest, and detention. But, in practice, a warrant is not required to make arrests. There is a legal requirement that a detainee be brought before an investigative judge within 3 days of arrest. The judge may then order detention for a maximum period of 6 months, after which the detainee must be charged or released. This law does not apply in cases involving the security of the State, and political detainees have been held for lengthy periods without being brought before a judge or charged. The trial of those accused of having participated in the 1982 bombings in Brazzaville did not take place until 1986, and some of the accused were held incommunicado for several years.

Despite the Government's steps to increase the number of magistrates and to improve procedures, the administrative processing of regular criminal cases is slow, and persons awaiting trial often are held for lengthy periods. Detained persons are entitled to legal counsel. All lawyers are regulated by the State. In capital criminal cases, defense lawyers are provided by the Government for those without funds. Whether a detainee is formally charged usually depends upon the seriousness of the crime and the economic situation of the family. For lesser crimes, the person is usually taken

to jail, where he may be beaten and held for a few days, then released on bail pending a trial which may or may not ever take place. A person accused of a serious crime (e.g., murder, rape) is held in prison until the trial, which may be held months or even years later.

The number of political detainees or prisoners in 1988 was unknown. Initially the Government reportedly arrested some 60 or 70 persons in connection with the 1987 coup attempt. The Government officially acknowledged the arrest of four military men and two civilians for alleged participation in the 1987 coup plot. Ex-President Yhombi-Opango and Colonel Jean Michel Ebaka and Lt. Colonel Eboundit, the ranking military officers arrested, remained in detention at a government housing complex at year's end. After the killing of coup leader Pierre Anga in July, a number of his relatives and other associates were arrested, including his widow, a daughter, and two brothers. The Government claimed to have released some of these persons by the end of 1988 but refused to reveal the names of those still in detention or those released.

In August the President announced an amnesty for most persons held for political offenses since 1963, except those arrested in connection with the 1987 coup plot. Despite this announcement, it appeared that at least some political detainees who were not connected to the 1987 coup plot remained in prison at the end of the year, including Georges Mafouta-Kitoko, Christophe Samba, and Florent Kihoulou, all of whom, according to AI, have been held without charge since 1986 for belonging to an independent political discussion group and writing a tract calling for a "new society." The Government asserts they were involved in a coup attempt.

There were no known instances of exile being used as a means of political control in 1988. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The legal system is not insulated from political interference. The Constitution provides for a Supreme Court, which is in practice an arm of the executive branch rather than an independent body. The amended Constitution also provides for nonprofessional judges to be elected to all courts below the Supreme Court. The stated purpose of this change was to "popularize justice," i.e., provide a role for peers to influence the formal judicial process. According to the law, any Congolese citizen may become a judge but can adjudicate cases only in collaboration with trained judges. Each nomination must be approved by the party. By law, the right to a fair and public trial exists in all cases, and the judicial process is relatively fair and open for those accused of common crimes. Also, it is not unusual to have a higher court reverse lower court decisions in nonpolitical cases.

Political cases are tried by a special court, the Revolutionary Court of Justice. In February 1987, AI submitted a 27-page report expressing its concern that the August 1986 trial of 10 persons, who were convicted of causing bomb explosions in Brazzaville in March and July 1982, had not met international standards of fairness for several reasons, e.g., several judges were members of the PCT Central Committee and had been involved in the case at an earlier stage.

CONGO

Prior to his state visit to France in 1987, President Sassou-Nguesso granted a pardon to a French national, Claude Buisson, who had been sentenced to 7 years' hard labor in the August 1986 bombing trial. In August 1988, the President commuted the sentences of four other defendants convicted in the 1986 bomb plot trial, including Claude Ernest Ndala, a former Congolese official, whose sentence was reduced from death to hard labor for life. Three others had 20-year sentences reduced to 5 years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is generally little interference by the Government with privacy, family, home, or correspondence so long as a person does not engage in any activity which involves or implies opposition to the Government.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are restricted, despite guarantees in the Constitution. The Government allows some criticism of its policies and programs judged not to be politically sensitive, but it does not allow its ultimate authority to be challenged publicly. The Government does not hesitate to arrest people and hold them incommunicado for expressing views it finds objectionable, as in the cases of Georges Mafouta-Kitoko and two others who were arrested in April 1986, and Jean-Felix Demba Ntelo, who was released by presidential decree in 1988 after several months in custody. The Government maintains these persons were involved in a coup attempt.

The State owns and controls all media except for one weekly religious newspaper. A state censorship committee reviews the content of all newspapers, movies, books, and records. Articles considered to be critical of the Government or its leaders are censored. The Government and party, through general guidelines for journalists, control the kinds of news Congolese journalists may publish from various sources of information. Television viewers have access to Zairian radio and television, as well as to news and feature programming from France and the United States. While the Government controls the local press, foreign journalists are generally permitted to travel freely once an entry visa and a special permit for travel to the interior are obtained. These are usually granted.

Academic freedom is limited. The Congolese educational system borrows liberally from the Soviet system in form, but it offers a broad range of materials, including American, to students.

b. Freedom of Peaceful Assembly and Association

The right of peaceful assembly is limited by the State's perceived self-interest. Political meetings are permitted only for the party and its affiliated organizations. Government permission is not required for groups to assemble for religious and social purposes, but it is required for the use of official facilities. Government authorization also is required to establish professional clubs and organizations, of which there are several.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is guaranteed by law, but the Government is officially atheist. Christmas Day, for example, is officially called Children's Day. Religious organizations, such as the Salvation Army, must obtain the Government's permission to work in the Congo. Jehovah's Witnesses are not permitted in the Congo. Members of the Baha'i faith may hold services but are prohibited from organizing and teaching. With these exceptions, the party and Government do not interfere in religious affairs. The Catholic Church, the largest single religious community, maintains a seminary for the training of its clergy and has missions throughout the country. Masses are held in the various local languages as well as in French. The Catholic church publishes the only independent newspaper, La Semaine Africaine. Catholic and other missionaries are active in managing private missions and clinics and providing other social services. While some of these services are joint ventures between the Church and the Government, many of the services formerly provided by churches have lapsed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government exercises limited control over the internal movement of its citizens through identification card checks. There are control points outside all major towns manned by soldiers or militia, who rigorously check identification documents. Congolese citizens who wish to travel abroad require exit authorization from the State Security Organization (DGSE). Government employees traveling abroad must obtain permission from the appropriate government office. Passports must be returned to the DSGE after the traveler's return from abroad. The Government exercises tight control over travel by foreigners in the Congo. Most visas are for one entry only; exit visas are required for nondiplomats; and those desiring to travel into the interior must obtain permission from the appropriate ministry. There are no known instances of Congolese being refused the right to return to their country. Citizenship may be lost under conditions established in the nationality code, e.g., by taking the citizenship of another country or after conviction for espionage. There are no known cases of a native-born Congolese being denied citizenship.

The Congo is the home of about 2,100 exiles and refugees, primarily from Chad, Central African Republic, and Zaire. While refugees are subject to surveillance and occasional harassment by the Congolese Government, there were no cases of forcible repatriation in 1988. The Congo is a party to the U.N. Convention and Protocol Relating to the Status of Refugees, and a representative of the UNHCR is resident in Brazzaville.

Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

The Congolese people do not have the right to change their government through democratic processes. While the President is the most powerful single person in the Government, his authority is limited by his need to maintain a consensus in

the Political Bureau and within the larger Central Committee of the PCT, which is carefully balanced among northerners, southerners, and those from the central region. Military officers occupy key positions among the ruling group and help ensure its continuation in power.

Opportunities for political involvement by Congolese citizens are limited to the Marxist-Leninist Congolese Labor Party (PCT), including its mass organizations, and to participation in the national, regional, and local assemblies. The Congolese Labor Party is the "supreme social and political organization." No other political parties are permitted to operate. PCT membership numbers only 8,700 out of a total population of almost 2 million. Membership is awarded on the basis of political loyalty and public service.

The powers of the National Assembly are limited. The national, regional, and local assemblies are elected by universal suffrage from single-party approved lists, which contain only one candidate for each seat. The selection process can involve a certain amount of negotiation within the PCT. Incumbents have been turned out of office in the process. National Assembly representatives are chosen on a merit basis from a broad spectrum of the population, including party members, the army, small farmers, and workers. The National Assembly has some impact on social and economic issues, and regional and local assemblies may discuss issues and make recommendations before decisions are made at the national level. The last elections for the national, regional, and local assemblies occurred in 1984.

Women play a small but increasingly visible role in the nation's political life. Only 600 out of the party's 8,700 members are women. Four women are members of the party's 75-member Central Committee, and several are seated in the National Assembly. The highest ranking woman in the Congo, Celine Eckombo, is the PCT political commissioner of the nation's third city, Loubomo.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permitted AI to send an observer to the 1986 bombing trial. However, the Government did not respond to AI's subsequent request to send a delegation to review the human rights situation or to its 1987 memorandum concerning the 1986 trial. There are no human rights organizations in the Congo.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Under the Constitution there is no official discrimination based on race, sex, religion, language, or social status. As previously noted, northerners exert strong influence in politics and in the security services.

Women have the same legal rights as men in the commercial, political, and social domains. There is a large disparity, however, between salaries for men and women, and women are relegated to a secondary role in the modern sectors of society, as well as in rural society where women are heavily involved in traditional family farming. Among some ethnic groups women are often the chief decisionmakers.

CONGO

Section 6 Worker Rights

a. The Right of Association

The labor code adopted in March 1975 is quite liberal in theory and provides for the right of workers to associate. In practice, given its past active political role, the labor movement is scrutinized closely and controlled by the Government and party, largely through the umbrella union, the Congolese Trade Union Confederation (CTUC), which is an appendage of the party. The party approves the national leadership of the CTUC. No group is allowed to form an independent, alternative union outside the party. As long as political subjects are avoided, there is a certain degree of democratic dialog within the labor movement and between the CTUC and the Government.

The CTUC unions are prohibited from striking, although wildcat strikes do occur with relative impunity.

The CTUC is affiliated with the World Federation of Trade Unions, but it is free to associate with other international and regional labor bodies. For example, as a reflection of the Congolese Government's efforts to improve contacts with Western countries, the CTUC leadership proposed establishment of a bilateral relationship with the African-American Labor Center in July 1988.

Despite government assertions that the single trade union system results from the common will of the workers and from political, economic, and historical development, the International Labor Organization (ILO) Committee of Experts has noted that a trade union monopoly established by legislation is in violation of ILO Convention 87 and has urged the Government to brings its legislation into conformity.

b. The Right to Organize and Bargain Collectively

The CTUC is represented in every ministry and state-owned enterprise and serves on mandatory boards along with a member of the Government and the party. Known as the "determinant trilogy," this structure is responsible for ensuring that the three major points of view are represented in the decisionmaking process and serves as the Congo's form of collective bargaining. While no alternatives exist to striking, the local unions within the Confederation have been able in some instances to persuade the Government to provide workers with increased benefits. The entire Congolese labor force is treated equally under the law; there are no exceptions such as those granted, for example, to export processing zones, of which the Congo has none.

c. Prohibition of Forced or Compulsory Labor

There were no substantiated reports of forced or compulsory labor, which is legally prohibited.

d. Minimum Age for Employment of Children

The minimum age for the employment of children is 16. Outside the Government and major employers, this minimum is often ignored, especially in small family enterprises or family farms in the subsistence agricultural sector.

CONGO

e. Acceptable Conditions of Work

In previous years, revenues from oil production allowed the Government to employ large numbers of Congolese in various government organizations, including state corporations. Owing to declining oil revenues and the need to comply with an IMF standby agreement and World Bank structural adjustment programs, the Government has abandoned its program ofguaranteed employment for all university graduates. It is privatizing some state enterprises and has frozen government hiring. Working conditions for Congolese in the modern sector, which employs about 50 percent of the population, are generally good. These include a maximum 40-hour workweek, at least 1 day of rest per week, family benefits, severance pay, and medical care. There is a social security system, and the minimum monthly wage is $102 for urban employees. Domestic workers must be paid at least $75 monthly. These wages are sufficient to provide for a decent standard of living. Outside government and the large corporations, these minimums are often ignored. There is a code of occupational safety and health, although it too is probably not rigidly enforced. While many salaried Congolese have a generally high standard of working conditions and social benefits, most of the rural population is still engaged in subsistence farming.

COTE D'IVOIRE

Cote d'Ivoire, a former French colony which gained independence through a peaceful transfer of power in 1960, is a one-party state with a civilian government. Power is concentrated in the Democratic Party of Cote d'Ivoire (PDCI) and its long-time leader, President Felix Houphouet-Boigny, now 83 years old. Although the freedom to form other parties is provided for in the Constitution, in practice no other party has been allowed to participate in the political process. More open discussion of government policies has been permitted since the country's first competitive elections in 1980 for PDCI, municipal, and legislative positions. Membership in the party organs, the number of municipalities which have elected leadership, and representation in the National Assembly have all steadily expanded in the last 28 years to reflect the growth and diversity of the Ivorian population. Basic policies are set within the PDCI, and the unicameral National Assembly has never publicly challenged a policy put forth by the party.

The Ministry of Internal Security includes the Surete National and the gendarmerie, the national police service structured along French lines. The Surete has an arm tasked with intelligence gathering and counterespionage responsibilities. The gendarmerie is responsible for territorial security, especially in the rural areas.

Cote d'Ivoire has enjoyed considerable economic development since independence, and the country now has an annual per capita income of approximately $700. The Ivorian economy is market-oriented and open to foreign investment. During the 1980's Cote d'Ivoire has been squeezed by a heavy debt burden and falling prices for its exports, principally coffee, cocoa, and tropical woods, on world markets. In 1987 the country experienced a decline in its gross domestic product (GDP) for the first time since independence. Prices for coffee and cocoa decreased even further, and the Government was forced in May 1987 to suspend payments on its foreign debt. It did not resume payments in 1988.

The human rights situation in Cote d'Ivoire remained unchanged. The President continued to advocate "dialog" (in practice sometimes combined with punishment) in settling disputes, eventually seeking to involve dissenters in the operation of the one-party structure rather than to isolate them. In 1988 the Government reinstated two university professors, including one in voluntary exile in France since 1983, as part of an effort to bring former "dissident" secondary teachers and university professors back into the fold. This effort also involved the use of imprisonment and forced conscription as a means of disciplining other teachers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of officially sanctioned abduction or disappearance.

COTE D'IVOIRE

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The penal code prohibits official violence without "legitimate justification." The code does not, however, specifically mention or prohibit torture, nor does it define what constitutes "legitimate justification" or the level of violence officials may use if "justified." There were no reports of torture during 1988, nor any evidence of systematic cruel, inhuman, or degrading treatment of persons, including prison inmates. Foreign Africans are treated more roughly by police on arrest than are Ivorians. This rough treatment is reported sometimes to include beatings. Prisoners are generally allowed visits from attorneys of their choice and from family members, who must provide food to supplement the sparse prison diet. Prison conditions are poor. Sanitation and medical facilities are minimal.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and pertinent statutes prohibit arbitrary arrest or imprisonment. The Government has, however, occasionally detained persons considered a threat to internal security. It also takes firm measures against acts it considers threats to internal security. The Government has also used the threat of forced conscription to discourage student involvement in antigovernment activities, and during the past year 20 former officials or members of the Secondary School Teachers' Union were detained and conscripted into varying lengths of military service (see Section 6.a.).

Under the Code of Penal Procedure, a public prosecutor can order the detention of a suspect for up to 48 hours without bringing charges. The Code dictates that further detention must be ordered by a magistrate who can authorize periods of up to 4 months, but who must also provide the Minister of Justice, on a monthly basis, with a written justification for continued detention. There have been reports that local police have held persons for more than 48 hours in a few cases, but that higher officials have disciplined police for these violations.

Some prominent critics of the Government have chosen to live and write elsewhere (see Section 2.a.). Political exiles from a number of countries have found Cote d'Ivoire a hospitable safehaven.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The modern judicial system is headed by a Supreme Court and includes a Court of Appeals and lower courts. There is general agreement that the judiciary is independent of the executive in practice as well as under the Constitution's separation of powers provisions, except in cases concerning perceived national security issues, when the judiciary follows the lead of the executive.

Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for court-appointed attorneys for indigent defendants. In practice, however, such attorneys are not readily available.

COTE D'IVOIRE

Ivorian law establishes the right to a fair public trial. This provision is generally respected in urban areas. In rural areas, justice is often administered at the village level through traditional institutions which largely handle local matters such as domestic disputes, minor land questions, and family law. Dispute resolution is by extended debate, with no known instances of resort to physical or similar punishment. These traditional courts are increasingly superseded by the formal judicial system.

Civilians are not tried by military courts. There are no appellate courts within the military justice system. Persons convicted by a military tribunal occasionally request the Supreme Court to set aside the tribunal's verdict and order a retrial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

All Ivorian citizens are considered to be members of the PDCI. Party regulations call for active participation in party activities and payment of dues which are collected in most cases through deductions from pay checks. Most party regulations, however, are not strictly enforced. Ivorians who choose not to participate do not suffer retaliation. It is not known what percentage of the population actively participates in the party.

The Code of Penal Procedures specifies that a police official or investigative magistrate may conduct searches of homes without a warrant if there is reason to believe there is evidence on the premises concerning a crime. The official must have the prosecutor's agreement to retain any objects seized in the search. He is required to have witnesses to the search, which may not take place between the hours of 9 p.m. and 4 a.m. Legal safeguards against arbitrary searches are generally respected in urban areas but are sometimes ignored in the countryside.

In 1988 there were some reports that armed members of the gendarmerie were directly involved in robberies of civilians, particularly on the highways. In the past there have been scattered reports of forced entry or other violations of the home, specifically involving foreign Africans. There is no evidence that correspondence and telephone conversations are monitored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Free expression in Cote d'Ivoire is limited. Critics of the Government feel free to, and do, express themselves in informal situations without fear of reprisal. Public criticism of basic government policies, the party, or the President, however, rarely occurs.

A university professor, Pascal Kokora, was fired from his job in January after having his linguistics class compare Ivorian and foreign news reports of the trial of the former Secondary School Teachers' Union officials. After several months, as no alternative work was available for him, he left the country. In September, however, he was reinstated in his university position, along with Laurent Gbagbo, who had been in voluntary exile in France since 1983 and had been generally considered

the leading Ivorian dissident.

The Government owns majority shares in the two daily newspapers, and their editorial opinion follows the policies of the PDCI. The one weekly newsmagazine is controlled by the party. Several periodic pamphlets are published privately. The Ministry of Information, Culture, Youth, and Sports operates radio, television, and a wire service. Government policy assigns the media a positive role in promoting national unity and development. It allows criticism of failures to execute policy but not criticism of the policies themselves. Investigative journalism is permitted except with respect to the Government and its policies. The Government has occasionally banned critical publications, most recently the magazine Jeune Afrique in 1987 after one of its articles suggested that the Government of Cote d'Ivoire was involved in the October 1987 coup in Burkina Faso.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is restricted when the Government perceives a significant and immediate danger to public order (which can include the expression of unwelcome political views). Gatherings occasionally are cancelled to prevent the expression of controversial views in public forums. AI's 1988 report notes that in 1987 the leader of an unrecognized opposition party and some 30 members of the party were arrested and held for several weeks because they had applied for permission to hold a party congress. All were released after a few weeks. As a result of student disorders in 1982, only apolitical gatherings are now permitted on campus, but students speak freely about politics in informal situations.

Association for political purposes is only permitted within the framework of the PDCI, e.g., women's and youth groups. Association for nonpolitical purposes, such as in professional groupings, is permitted, but the Government may attempt to bring some such groups under its wing or that of the party. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There are no known impediments to religious expression. There is no dominant religion, and no particular faith is favored by the Government. The open practice of religion is permitted, and there are no restrictions on religious ceremonies or teaching.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government exercises minimal control over domestic travel, but internal roadblocks for identity and customs checks are common. Persons stopped at such roadblocks are sometimes harassed by the police. Although Professor Kokora initially had some problems in obtaining a passport, Ivorians normally can travel abroad freely and can emigrate without discrimination. Ivorians have the right of voluntary repatriation. There are no known cases of revocation of citizenship.

Cote d'Ivoire's refugee and asylum practices are liberal. The country has resettled or granted safehaven to Angolans, Burkinabe, Ethiopians, Ghanaians, Guineans, Liberians, and

Vietnamese. While in Cote d'Ivoire, refugees receive 1-year renewable resident visas for their first 5 years in the country, after which they may apply for permanent residence. Cote d'Ivoire does not take any significant responsibility for the economic and social welfare of refugees, who become the concern of private and international organizations.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political participation is limited to the PDCI, which is headed by President Houphouet-Boigny. No opposition groups exist openly, and the Government does not allow their formation. Therefore, in practice the citizens of Cote d'Ivoire are unable to change the one-party system of government.

Within the party, the President wields power through a 13-member executive committee, a 57-member political bureau, and a 208-member steering committee. Political power is concentrated in the President's hands, and most important decisions are made by the President himself. The 175-seat National Assembly confirms and ratifies legislative initiatives received from the President. During the 1986-1987 legislative year, the National Assembly initiated its first legislation in history to promote job creation in the rural and small business sectors.

Within this strict one-party system, the Government continues to encourage more open participation in the political process by expanding the size of party institutions and by permitting more party members to run in legislative, municipal, and local party elections. For example, in the case of the most recent legislative elections in 1985, approximately 577 individuals ran for the 175-seat National Assembly. Many incumbents were defeated in all three elections.

The role of women has been given somewhat greater political prominence since July 1986 when the President filled the position of Minister for Women's Affairs, a cabinet-level post that had been vacant for almost 2 years. Ten women are deputies in the National Assembly, and 28 women are members of the steering committee of the PDCI.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has been cooperative toward inquiries into its human rights practices. It is not known what impact, if any, AI's appeals on behalf of the secondary teachers may have had on the Government's subsequent positive action. Cote d'Ivoire has a local chapter of AI.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no overt, official discrimination based on race, sex, religion, language, or social status. The most lucrative government and private sector jobs seem to be concentrated among the minority Muslim (30 percent) and Christian (15 percent) populations, a phenomenon attributable primarily to urbanization and access to education. All religions, however, are represented at top levels of government and throughout society. Although French is the official language and the

language of instruction in the schools, radio and television broadcasts are provided in major local languages. Social and economic mobility are not limited by policy or custom.

Although males clearly play the preponderant role overall, some Ivorian traditional societies accord women considerable political and economic power. Nonetheless, in rural areas tribal customs dictate that menial tasks are performed mostly by women. Female circumcision continues to be practiced among elements of the Ivorian population, although it is rare in urban populations. PDCI policy is to encourage full participation by women in social, economic, and political life.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to form unions, but almost all unions are organized within a single government-sponsored labor confederation, the General Union of Cote d'Ivoire Workers (UGTCI). Secondary, university, and primary school teachers' unions had been exceptions until 1987. In July 1987, a schism developed in the Congress of the Secondary School Teachers' Union (SSTU), and a second group elected a new leadership which won government endorsement and control of the union. Shortly after the replacement of the Secondary School Teachers' Union leadership, the Primary School Teachers' Union asked to join the UGTCI, leaving only the university teachers' union independent of the confederation.

The leader of the UGTCI occupies a senior position in the party hierarchy. Union membership is encouraged but not mandatory. The UGTCI is a relatively passive coordination mechanism rather than an active force for workers' rights.

The right to strike is protected by statute, but in practice strikes are rarely authorized by the UGTCI. Although there were no official strikes in 1988, there were several "work stoppages." For example, workers in a factory near the capital stopped work to protest a management plan to reorder production. In this case, as usually happens, the Government stepped in to mediate.

In 1983 a secondary teachers' strike was broken by a presidential decree ordering teachers back to the classrooms and threatening them with fines and prison sentences for noncompliance. In July 1987 at the Congress of the Secondary School Teachers' Union, some teachers publicly protested the Government's action and subsequently, in September and October, 16 secondary teachers, including the former secretary general of the union, were detained. A total of 24 teachers, 20 male and 4 female, were suspended from their teaching positions. In a civil trial in December 1987, three former SSTU officials were found guilty of embezzlement of union funds, fined, and sentenced to several months each in prison. Upon their release, the three were conscripted into the military service and detained at a military camp in the north of the country. Eventually 20 male teachers, some of whom were former union officials, were detained in the camp. During the spring several international organizations, including AI, protested the detention of these former teachers. In early July, all 20 were released, though they were still, technically, under military jurisdiction. On September 14, all 24 teachers met with President Houphouet, at which time the President "pardoned" them. The next day all 24

received full back pay and were given teaching positions in Abidjan for the 1988-1989 school year.

Generally, the Government negotiates with strikers and resolves at least some of their economic grievances. Aside from the dispute with secondary school teachers and the arrest and detention of 20 of their members, there have been no other reports that professional groups have experienced persecution or harassment.

Unions, trade associations, and professional bodies are permitted to maintain relations with recognized international professional bodies in their fields. The UGTCI is a member of the continent-wide Organization of African Trade Union Unity. Cote d'Ivoire is a member-state of the International Labor Organization (ILO), and the UGTCI participates in Ivorian delegations to ILO conferences and events.

b. The Right to Organize and Bargain Collectively

Collective bargaining within each company takes place under UGTCI leadership. The UGTCI has representatives in every major business enterprise, and the UGTCI secretariat often plays a mediation or conciliation role in relations between labor and management in individual businesses. There are no export processing zones in Cote d'Ivoire, and labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There have been no reports of forced labor in Cote d'Ivoire.

d. Minimum Age of Employment for Children

In most instances, the legal minimum working age is 16. However, children often work on family farms, and in Abidjan some children routinely act as vendors of consumer goods in the informal sector.

e. Acceptable Conditions of Work

The Government enforces a comprehensive labor code, the Code du Travail, governing the terms and conditions of service for wage earners and salaried workers and providing for occupational safety and health standards. Extensive safeguards protect those employed in the modern sector against unjust compensation, excessive hours, and capricious discharge from employment. Minimum wages vary according to occupation, e.g., a skilled worker would earn the equivalent of 77 cents per hour, an unskilled worker could earn as little as $110 per month. At lower levels, these wages do not provide a decent standard of living. Wage levels increase for workers with more experience and skills. Month-long paid vacations and a substantial severance pay are guaranteed. Government medical insurance and retirement programs provide an element of income security for salaried employees in the modern sector. There is, however, a large informal sector of the economy, involving both urban and especially rural workers, in which many of these occupational regulations are enforced erratically at best.

DJIBOUTI

Djibouti is a one-party constitutional republic with a civilian government. Since independence from France in 1977, Djibouti has been ruled by President Hassan Gouled Aptidon, whose Rassemblement Populaire pour le Progres (RPP) has been the only political party allowed since 1981. Political life in Djibouti is a subtle and dynamic balance primarily between two ethnic groups, the predominant Issa (the tribe of the President and the party) and the sizable minority Afar. Smaller minority populations of Gadaboursi and Isaak (like the Issa, these are Somali peoples) and Arabs are represented but are less influential in government. The presidency is considered to be reserved for an Issa (although there has been only one president so far) and the prime ministry for an Afar. The President wields considerable power beyond that suggested by his double role as both Head of State and Head of Government. The Prime Minister, who is appointed by the President, functions as a minister without portfolio. Real authority in the ruling party, Government, and armed forces is in Issa hands, even though cabinet ministries are shared among ethnic groups in rough proportion to the groups' size.

Djibouti's armed forces have a total strength of about 3,500, primarily ground forces with small naval and air forces. France guarantees Djibouti's external security and maintains about 3,800 military and naval personnel in Djibouti. Laws are enforced and public order maintained by Djibouti's three national police forces: the Force National de Securite and the Police Nationale, both under the Ministry of the Interior, and the Gendarmerie, under the Ministry of Defense.

Djibouti's narrow economic base consists almost entirely of services to its 10,000 expatriate residents (mostly French) and operation of the seaport, airport, and the Djibouti-Addis Ababa railroad. Since 1977 Djibouti has received tens of thousands of immigrants fleeing war, drought, famine, and political and economic conditions in neighboring Ethiopia and Somalia. At the end of 1988, approximately 2,000 of these remained in Djibouti registered as refugees with, and under the protection of, the United Nations High Commissioner for Refugees (UNHCR); others remain as "illegal aliens."

There was no change during 1988 in the human rights situation in Djibouti, which includes significant restrictions on freedoms of speech, press, association, and the rights to a fair trial and to change the government through democratic means. Women have full civil rights but are, in practice, treated as second-class citizens.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated or government-inspired killing.

b. Disappearance

There were no reports of disappearance of persons for political reasons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture or other cruel, inhuman, or degrading treatment or punishment in 1988. Amnesty International's 1988 report notes that some of the 103 Ethiopians rounded up in 1987 after a demonstration were beaten and all were then forced into a train which took them to the Ethiopian border under police guard.

d. Arbitrary Arrest, Detention, or Exile

A person may be detained no more than 48 hours without an examining magistrate's formal charge. An accused has the right to legal counsel, and while awaiting trial may, by a judge's order, be released on bail or personal recognizance, or be jailed pending the final verdict. In practice, detainees are usually released with no ill-treatment within a matter of days, though not always within the legally mandated 48-hour period.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Djibouti's legal system is based on a mix of Djiboutian legislation and executive decrees, French codified law adopted at independence, Shari'a (Islamic religious law), and traditions of the native nomadic peoples. Crimes in urban areas are dealt with according to French-inspired law and judicial practice in the Cour Judiciare. Civil actions may be brought under either French-inspired law in the Cour Judiciare or in the context of traditional tribal customs in the Tribunal Coutoumier. Shari'a courts handle family matters only. Decisions of all three types of courts may be appealed; judgments within the Tribunal Coutoumier and Shari'a court systems are appealed directly to the country's Supreme Court. Proceedings in all courts except the State Security Court are open to the public.

A special State Security Court, the Tribunal de Surete de la Republique, may hear in closed session cases of espionage, treason, and acts threatening the public order or the "interest of the Republic." The State Security Court was last convened in September 1986, when it condemned in absentia three men (one a former government minister) to life in prison for conspiracy to destabilize the State, attempted assassination of high officials, and possession of military arms and munitions. Three other defendants received prison sentences.

The judiciary appears to be susceptible to government influence in cases of political interest. However, there were no reports that the Government held political prisoners during 1988. Those who express too vociferously in public views that are critical of, or perceived as threatening to, the Government face prosecution. On May 31, some 400 Isaaks were arrested in Djibouti-ville for an unauthorized public demonstration in celebration of Somali National Movement (SNM) military successes against the Somali Government. Most of the 400 were released over the next 2 weeks, but 18 were tried and convicted of unauthorized public demonstration and sentenced to 6-months' imprisonment. The convictions and sentences were upheld on appeal.

DJIBOUTI

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reports of arbitrary interference with privacy, family, home, or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is restricted. The radio and television stations and one newspaper (French-language weekly) are all government owned and operated. The Government controls, directly or indirectly, the dissemination of all information. The news media do report on problems within Djibouti, but the Government itself, government officials, and the party are free from criticism. The media largely avoid reporting on crime, violence, ethnic strife, and domestic politics in Djibouti, Ethiopia, and Somalia.

b. Freedom of Peaceful Assembly and Association

Public political protest is prohibited by selective enforcement of laws requiring permits for mass public assembly and by short detention of persons without charge. The required permits are not issued for public political meetings outside party auspices. Nonpolitical peaceful assembly is allowed. Religious, cultural, social, and commercial associations are free from government interference.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Djibouti is a secular republic and respects freedom of religion for all faiths. Nearly the entire population is Sunni Muslim. Holy days of Islam are legal holidays, and Government observes the month of Ramadan with a shortened workday. Persons are free to choose whether to observe or ignore Islamic teachings on diet, alcohol consumption, religious fasting, and the like. The expatriate community supports Roman Catholic, French Protestant, Greek Orthodox, and Ethiopian Orthodox churches. Foreign missionaries are free to operate.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Djiboutians travel freely within Djibouti and may live and work where they choose. Djiboutians leave for, and return from, international travel without restriction or interference. Passports are available to all Djiboutians but are invalid for travel to Israel and the Republic of South Africa.

Djibouti cooperates with the UNHCR to assist and protect the approximately 2,000 registered refugees in Djibouti. The number of registered refugees in Djibouti decreased from approximately 13,000 at the beginning of 1988 to approximately 2,000 at the end of the year due to voluntary repatriation to Ethiopia under UNHCR auspices and due to removal from the refugee rolls of Djiboutian nationals improperly identified as refugees. In a number of cases, notably in 1987, registered refugees were deported by error together with Ethiopian illegal aliens by the Djiboutian authorities. In each of

these cases, the registered refugees returned to Djibouti safely. Djibouti asserts its right to deport illegal aliens. The police routinely detain illegal aliens in the capital city for deportation, sometimes daily; aliens who claim to be refugees are allowed to present their documents or to see a UNHCR representative.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Djiboutians have neither the right nor the ability to change their government peacefully. The Issa-dominated Rassemblement Populaire pour le Progres (RPP) jealously guards its position as Djibouti's only political party, a status it has enjoyed since the Afar-dominated Movement Populaire Djiboutien was outlawed on the grounds of preelection civil violence in 1981. The RPP chooses candidates for election to the presidency and the 65-member National Assembly, a legislative body with no independent power. Citizens are encouraged to vote, but their only choice is to vote for or against the party's candidates. The two different ballots must be cast in different boxes, effectively making it obvious who votes against the party.

No woman holds a senior position in either the party or the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has been responsive to inquiries concerning human rights practices. During 1988 such inquiries included one from a member of the U.S. Congress, to which the Government replied through the U.S. Embassy. In addition to cooperation with the UNHCR, the Government has given access to the International Committee of the Red Cross (ICRC) to instruct the Djiboutian army in international agreements governing conduct of nations at war. There are no private human rights organizations in Djibouti. No private international human rights organizations are known to have approached the Government in 1988 with inquiries into human rights practices.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The predominant status of the Issa in the party, the civil service, and the military discriminates against the Afar, the Isaak, and Gadaboursi.

Women in Djibouti have equal status with men under the codified law. However, in practice women suffer from discrimination in education, in work, and in family matters. On questions of family, law such as inheritance and child custody, men are favored over women. Women may file for divorce. Men are not paid significantly higher wages than women for the same work, but there are few women in the professions. Women are active in small trade, and many women are employed in offices and stores. Nomadic traditions of genital mutilation of young girls (particularly clitoral excision and infibulation) are practiced widely. In November the Djiboutian National Women's Union (affiliated with the RPP, the ruling party) began a government-supported campaign against these practices; the campaign has been extensively covered in the government-owned press.

DJIBOUTI

Section 6 Worker Rights

a. The Right of Association

Workers are free to join or not to join unions as they choose. There are 30 individual labor unions in Djibouti, many of which represent employees of only one private or state-owned corporation. Few unions are truly independent, since the Government organized and controls Djibouti's one labor federation, the Union Generale des Travailleurs Djiboutiens (UGTD--General Union of Djiboutian Workers), through which it exerts some control over individual unions.

Only a small percentage of Djiboutian workers are union members. Relations between labor unions and employers are nonconfrontational on major issues; most disputes concern individual grievances such as a complaint about a specific instance of miscalculation of wages or benefits. Workers' rights with regard to employers are generally viewed as employers' personal obligations in a traditional society rather than as a political concept or institutional obligations. Employers try to assure (with a fair degree of success) that key positions in unions are held by persons sympathetic to the employer.

Workers are free to strike but in practice, labor action is limited to short, ad hoc protests directed against minor complaints about working conditions or miscalculation of wages.

Unions are free to maintain relations and exchange programs with unions and labor organizations in other countries. Djibouti belongs to the International Labor Organization.

b. The Right to Organize and Bargain Collectively

Djibouti recognizes labor's right to organize and bargain collectively in both law and practice. However, formal collective bargaining virtually does not exist; both labor and employers seem to prefer (and expect) more informal contact with each other. On questions of wages and health and safety conditions, the Ministry of Labor encourages direct, ad hoc resolution by labor and the employer. Either labor or the employers may initiate a formal administrative hearing at which the labor inspection service of the Ministry of Labor mediates.

Wages are set by employers in consultation with the Ministry of Labor to assure adherence to mandatory minimum wage regulations. The Government determines a minimum wage appropriate for a particular activity. Given that the minimum wages were last adjusted in 1976 and given high inflation, the Government on occasion recommends a wage level higher than the minimum wage. In practice, many workers individually negotiate their wage with their employer. Labor legislation and practice is uniform throughout the small country.

c. Prohibition of Forced or Compulsory Labor

There is neither forced nor compulsory labor in Djibouti.

d. Minimum Age for Employment of Children

The legal minimum age of 14 years for employment is respected

in practice. Children may and do work in their own family-owned businesses such as restaurants and small shops. There is almost no farming in Djibouti.

e. Acceptable Conditions of Work

Minimum wages are specified by categories of workers. Minimum wage regulations are enforced by the Ministry of Labor. Increased most recently in 1976, the minimum wage is less than $80 a month for watchmen and unskilled laborers to nearly $1,400 a month for "Directors" and medical doctors. The minimum wage does not provide a decent living for a worker and his family. A Western-educated professional with a scarce skill generally is able to negotiate a higher salary. Unskilled workers, in an environment with a 55 to 75 percent unemployment rate, have less bargaining power. Mandatory seniority bonuses range from 4 percent of the worker's basic salary after 2 years of service to 52 percent after 26 years of service. Many workers receive housing or housing allowances, transportation allowances, and meals allowances to complement basic wages. The standard workweek is 40 hours. Maximum hours of work are regulated in practice by a strict enforcement of overtime pay regulations.

The Ministry of Labor enforces occupational health and safety regulations through inspection and dispute mediation by the labor inspection service.

EQUATORIAL GUINEA

Equatorial Guinea is ruled by a military government, under Obiang Nguema Mbasogo, which took power as a military government in the 1979 coup that overthrew President Francisco Macias Nguema and ended the latter's 11-year, state-sanctioned policy of terror. A national Constitution was adopted in 1982, national and local assemblies were chosen, and the military government declared itself a civilian government. In December 1986, a single political party, the Democratic Party of Equatorial Guinea (DPEG), was established by government decree, with the President as its titular head. Only members of the DPEG may vote and hold public office, but all adult citizens, even those who are not party members, are required to pay party dues. The legislative and judicial branches of government are subordinate to the presidency. Members of the Fang tribes of Rio Muni, principally the Esangui, of which the President and most of his closest advisors are members, hold disproportionate power in the Government.

The civilian police and internal security forces fall within the jurisdiction of the Ministry of Territorial Administration and National Security. They are augmented by a 300-man presidential guard provided by the Moroccan Government. The army is the predominant element of the Guinean military forces. In practice, many members of the police and security forces also hold military rank. Most human rights abuses in Equatorial Guinea are attributable to members of these services.

Most of the population (an estimated 350,000) live by subsistence agriculture, fishing, and hunting, with per capita annual income approximately $300. The small wage economy, based on cocoa, lumber, and coffee, was devastated during the Macias years, and by the death or exodus of thousands of trained and educated citizens. The economy remains extremely fragile, despite substantial foreign aid and attempts at reform, which include entry into the West African Franc Zone, foreign debt rescheduling, and efforts to attract much needed foreign investment, especially from France and the European Economic Community. A major barrier to economic development is the lack of a clear rule of law to protect and encourage plantation agriculture. Large plantations, which form the base of the economy, were abandoned by their Spanish owners during the Macias regime, then arbitrarily expropriated in 1984 and transferred under very favorable terms to influential members of the current Government.

While much improved since the end of the Macias regime, the human rights situation in 1988 was nevertheless characterized by continued reports of arbitrary arrests, citizen harassment by poorly paid police and military personnel, discrimination against minority groups and migrant workers, and the use of forced labor. In August upward of 80 persons were detained on suspicion of planning to overthrow the Government. In the third major coup trial in 5 years, a military court sentenced 10 of the 80 (including 7 civilians) in September to punishments varying from death (commuted to life imprisonment) to 12 years' imprisonment. Defendants in this trial had only minimal access to legal counsel and no right to appeal their verdicts. National Assembly and local elections in 1988 featured multiple DPEG candidates--thus giving the electorate some choice. The elections also returned delegates from various ethnic groups.

EQUATORIAL GUINEA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported incidents or allegations of political killings in 1988.

b. Disappearance

There were no known disappearances in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Police methods are harsh and often include beatings of prisoners either to extract information or to punish offenders for alleged insolence or disrespect. The Government appeared little inclined to curb such abuses. Arbitrary police beatings of politically powerless people, such as expatriate Nigerian and Cameroonian workers and members of Bubi and certain other indigenous tribes, continued in 1988. At least one of the persons detained in August as an accomplice in the alleged coup plot suffered broken limbs as a result of his detention and interrogation. One defendant stated at the court-martial that his alleged confession was provided only in the hope of halting nearly 2 weeks of torture.

Mistreatment of prisoners in more routine cases was condemned officially but in fact was tolerated. Prisoners are dependent on their families for food. Prison conditions are unhealthful, and medical care is almost nonexistent. Prisoners often are forced to sleep and sit on the floor, occasionally are denied exercise, and are required to work on private plantations.

d. Arbitrary Arrest, Detention, or Exile

Despite constitutional provisions, there was no enforcement of the right of a person in detention to be charged or released within a certain period of time, to have access to a lawyer, or be released on bail. Arbitrary arrests by security forces or police were commonplace, often on spurious charges in order to extort money. Many of the persons detained in August were taken at night from their homes with no explanation of the accusations against them. Many were held incommunicado throughout their interrogations, even though they were not subsequently formally charged or tried.

There were no known cases of any citizens being stripped of their citizenship or exiled abroad in 1988. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Ministry of Justice made little progress in 1988 in establishing a fully functioning legal system, and the executive branch acted with little fear of judicial review. The justices on the highest court, the Supreme Court, serve at the pleasure of the President. Of 12 Supreme Court positions, only 3 had been filled by the end of 1988. The tribunal provided for by the Constitution to decide constitutional issues has never been established. Under the Constitution, military tribunals hear all civil criminal capital offenses.

EQUATORIAL GUINEA

The current court system, which often uses local customary law, is a combination of traditional, civil, and military justice, and operates in an ad hoc manner for lack of established procedures and experienced judicial personnel. It is not known how frequently people are denied trials, since many detainees deal directly with the arresting authorities and resort to bribes to gain their freedom. Most trials are brief. In cases of petty theft or civil disputes, all parties are brought before a judge for trial. In civil and criminal cases, the judge often levies a fine in lieu of imprisonment. In cases involving senior officials, exclusion from public office and confinement to traditional villages are common means of punishment. Most of Equatorial Guinea's estimated 20 lawyers work at least part time for the Government and consequently are unable to challenge government actions effectively.

Laws are enacted by decree and are not published or otherwise effectively promulgated. As there are no legal libraries or independent resource facilities, citizens are seldom able to determine the laws in effect or whether they have been charged with a bona fide offense.

The most important case in 1988 was the 3-day public trial in September of 10 persons (1 in absentia) accused on various counts of plotting to assassinate the President and other senior officials; espionage; dereliction of official duties; fraud; and undermining internal and external security. The single defense attorney was unable to cross-examine prosecution witnesses or call upon witnesses for the defense. Of the nine defendants present, the tribunal sentenced two to death and the remainder to prison terms varying from 12 to 30 years. By a presidential decree signed the following day, the two death sentences were commuted to life imprisonment. The speed of the judicial process, the questionable legal basis of the charges brought, the doubtful jurisdiction of the military tribunal, the lack of independent defense counsel, and the absence of appeal procedures raised serious doubts whether the defendants received a fair trial. Many local observers concluded that the defendants were charged and convicted on the basis of having political beliefs at variance with the Government's, rather than on the basis of the charges against them.

The exact number of political prisoners was unknown but was believed to be small. The Government does not admit to holding any political prisoners. There was still no information available on the fate of 26 persons tried in July 1983 on charges stemming from a coup attempt in May 1983. One person, whose death sentence was commuted to life imprisonment, was interviewed on local television in November to dispel rumors he had been killed in prison. Otherwise, the Government reported only that the majority of the accused received sentences varying from 5 to 10 years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were reports of arbitrary interference with privacy, including pressure by authorities to join the sole political party (DPEG) and to participate in "spontaneous" government-sanctioned celebrations. Persons deemed suspicious were sometimes placed under surveillance, and there was a general belief that telephone conversations were routinely monitored, although correspondence remained sacrosanct. Search warrants

were not normally used, even though they are required by the Constitution. There was no forced resettlement of population and no interference with the right to marry and to have children.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Open criticism of the Government is not permitted. The media that exist in Equatorial Guinea are government owned and operated. The two national newspapers (published sporadically) are in fact government bulletins. The radio and television stations transmit only official government bulletins and other programs that are approved in advance.

In general, the Government does not permit the sale or distribution of publications openly critical of its conduct. Foreign newspapers containing articles critical of the Government are sometimes confiscated from citizens upon arrival at Malabo's international airport. A quarterly publication of the Spanish-Guinean cultural center in Malabo was suppressed until an article about the status of women in Equatorial Guinea, which was offensive to one member of the Government, was removed from all copies.

b. Freedom of Peaceful Assembly and Association

Citizens are not free to associate publicly with others to discuss political or economic matters at variance with government policy, notwithstanding constitutional guarantees to the contrary. The Government stated repeatedly that it would not permit opposition political organizations nor tolerate unsanctioned political rallies and assemblies. Private nonpolitical groups, such as professional organizations, churches, and sports groups generally require government approval and licensing.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Until late 1985, there had been complete freedom of religion in predominantly Roman Catholic Equatorial Guinea. In December 1985, the Jehovah's Witnesses and several small Pentecostal groups were banned, and their churches and meeting houses closed, ostensibly due to their proselytizing activities. In 1986 and 1987, church members were placed under house arrest, harassed, and reportedly forced to do manual labor despite the fact that they had not been convicted or charged with any crime. After several unsuccessful appeals, 10 noncitizen Witness missionaries were expelled from the country in late 1987, and 80 local Witnesses were forbidden to practice their religion. During 1988 foreign clergy and missionaries of several other faiths were still active and had government permission for their activities. Training clergy in the approved denominations and religious education was permitted. In general, active proselytizing by Protestant denominations is discouraged, but conversions are permitted. All denominations are allowed to be active in charitable activities. With the exceptions noted above, there was no job discrimination on the basis of religious faith.

EQUATORIAL GUINEA

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There were no explicit restrictions on travel within the country. However, a person found without a job in any part of the country except his own town or village could be picked up by the police and subjected to a short period of forced labor, followed by obligatory return to his place of origin.

There were no reports of any additional Guinean refugees fleeing the country in 1988, but a large number of refugees from the former regime continued to reside in Spain, France, Cameroon, and Gabon. Many of them voiced fear of repression from the current Government if they returned, and alleged that their passports were restricted to prevent travel back to Equatorial Guinea. The poor state of the economy was believed to be the main reason why many remained abroad.

The Government proclaimed repeatedly that returnees need not fear persecution, but they could engage in political activities only within the sanctioned one party system. In July the Government sponsored the repatriation of approximately 2,000 of its citizens from neighboring Gabon, where many had been arrested and ordered deported for visa violations. Brought back to the island of Bioko aboard Equatorial Guinea's sole merchant ship, many of the indigent Guineans remained in temporary shelters for several weeks until they could make passage back to the mainland.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government by democratic means. President Obiang Nguema Mbasogo took power in 1979 in a military coup that toppled the Macias regime. He then used the 1982 plebiscite, which involved only approval or disapproval of the Constitution, to declare himself President. He will face reelection in 1989 upon completing the present 7-year term established by the Constitution. Members of the National Assembly, some of whom are elected and some appointed, are chosen for 5-year terms. While the Assembly includes members of minority groups and is theoretically the legislative branch of government, it is powerless to take any action not sanctioned by the President or his Council of Ministers. According to the Constitution, the President has the power to suspend virtually all rights provided for in the Constitution when a threat to national security or a national emergency exists, and the President himself determines when such a threat exists.

Only members of the DPEG may hold public office, and the party controls the selection of all candidates. In 1987 a presidential decree mandated that all adult citizens of Equatorial Guinea should pay dues to the party, whether or not they are members. Deductions of 3 percent were made from adults' wages and salaries for deposit into the party's treasury.

Elections were held throughout 1988 to select local and provincial leaders as well as members of the National Assembly for new 5-year terms of office. Although all candidates are required to be members of the DPEG, there were multiple candidates for most positions. Candidates opposed to current government policies were not allowed to contend for office.

EQUATORIAL GUINEA

In late 1988, President Obiang Nguema Mbasogo was elected as head of the DPEG.

Women have played only a minor although increasing role in politics. They made gains in the 1988 elections. The highest government positions held by women are the deputy ministers of labor and of health, the mayors of two towns, 5 members (out of 60) of the National Assembly, 1 ambassador overseas, and the Presidential Advisor for Public Health and Social Action (who is also the wife of the President). Women now hold approximately 5 percent of the public positions, elective and appointive.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The current Government has denounced and reversed the widespread savagery of the previous regime. It also has been willing to discuss human rights issues with international and nongovernmental organizations. It allowed a United Nations human rights team to visit Equatorial Guinea in 1986. (The U.N. report had still not been released by the end of 1988.) A group from Amnesty International visited Equatorial Guinea in February 1988 at the request of the Government and was granted free access to citizens and government officials. There are no local human rights groups in Equatorial Guinea.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The law states that both sexes and all tribal groups are equal and entitled to the same rights and privileges. Members of the Fang clans, principally the Esangui, comprise more than 70 percent of the population and dominate life in Equatorial Guinea, including the allocation of top government positions. The Bubi tribe comprises approximately 15 percent of the population and has historically been the majority on the island of Bioko, where the capital is located. The Bubis often are subjected to arbitrary discrimination by lower level police, military, and other government officials, including verbal and physical abuse. They and other tribal groups such as Playeros, Fernandinos, and less favored Fang clans are similarly discriminated against in opportunities for economic and social advancement.

For a variety of historical, cultural, and economic reasons, women are accorded a lower social status than men, and have a correspondingly lesser influence in society and government. Social tradition, and the fact that women produce and market most of the basic staple food items, have kept most women engaged in agricultural or domestic work. Many more males than females enter and graduate from secondary school. In some of the country's ethnic groups, property ownership and inheritance are matrilineal. Although bridal dowries are given, women have the same freedom as men to choose their marriage partners.

Section 6 Worker Rights

a. The Right of Association

Equatorial Guinea is a member of the International Labor Organization. Labor unions, although not specifically prohibited by the Constitution, do not exist in Equatorial

Guinea. The right to strike is forbidden. There are several cooperatives (for farmers, taxi drivers, and individual market entrepreneurs), which have a limited voice in establishing licensing and transportation fees.

b. The Right to Organize and Bargain Collectively

These rights are not enshrined in law or practice, nor are there mechanisms to promote voluntary worker-employer negotiations. There are no export processing zones in Equatorial Guinea.

c. Prohibition of Forced or Compulsory Labor

The Government continued to round up so-called vagrant illegal aliens (particularly Ghanaians, Nigerians, and Cameroonians) and force them to engage in compulsory labor. These roundups were a means of obtaining free labor and were often linked to seasonal needs on the plantations of important government officials, the preparation for national holidays, or the arrival of visiting dignitaries. This was also widely practiced by officials against Equatorial Guinean citizens detained (but not subsequently charged or convicted) on minor offenses. These actions are not provided for in the law, but, given the benefits to senior government officials, there has been no move to abolish this practice.

d. Minimum Age for Employment of Children

The minimum age for employment is 16, but there was little enforcement of this law. Traditionally, children assist their parents in raising crops and marketing produce on a part-time basis.

e. Acceptable Conditions of Work

There is only a small industrial sector in the country. Most salaried employment is provided by the Government, construction companies, businesses providing retail goods and services, and the plantation agricultural sector. Equatorial Guinea had a statutory minimum wage of approximately $35 per month and an average monthly wage of approximately $70 in 1988. Only a small percentage of the population had regular salaried employment. Of those who did, the majority were required to supplement this income by other paid employment or farming to provide a decent living for themselves and their families. By law, working conditions included a maximum 48 hours workweek with a full day of rest each week plus regularly scheduled national holidays. There was no effective monitoring of workhours or labor conditions outside the Government.

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The People's Democratic Republic of Ethiopia (PDRE) is a one-party state with a Soviet-style Constitution. President Mengistu Haile-Mariam's dominant position remains unchallenged: he is Chief of State, Commander-in-Chief of the armed forces, and General Secretary of the Workers' Party of Ethiopia (WPE). The Marxist-Leninist WPE, established in 1984, is the sole political party and the most powerful institution in the PDRE. The two meetings of the newly elected Shengo (Parliament) confirmed that its role was largely confined to rubber stamping provisions adopted months earlier by the 23-member Council of State.

Ethiopia deploys the largest standing army in Africa south of the Sahara, numbering 250,000-300,000 members. It uses this force primarily to pursue military solutions to the armed insurgencies of varying intensities directed against the Government. Although recent military setbacks have encouraged Ethiopia to seek diplomatic rapprochement with Sudan and Somalia, Ethiopia continues to offer some support to rebel movements fighting against its neighbors. Domestically, the Government has an extensive internal security apparatus which uses a comprehensive system of surveillance and informers to maintain its control over the population.

The PDRE remains committed to a centralized, planned economy based on Socialist principles. Under pressure from the donor community, the Government agreed to certain minimal changes in agricultural policy in 1988. The effect of the changes, especially greater incentives for farmers, on production has yet to be seen. The economy of the world's poorest country (according to the World Bank) currently suffers not only from drought and famine, but also from continuing ideological constraints, such as priority of funding for state farms in a nation of small independent farmers. Success by rebel groups in the north and declaration of a national emergency have led to economic disruption as development and other resources (and an obligatory "donation" of 1 month's salary) are diverted to the war effort.

Ethiopia's human rights record remained deplorable in 1988. The Constitution, which provides a legal basis for respect for human rights, was hardly adopted before the Government declared a national state of emergency in Eritrea and Tigre and voided constitutional protection there. Following rebel military successes in early 1988, the Government expelled expatriate relief workers from Eritrea and Tigre and denied relief distributions to more than a million Ethiopians thought to be at risk of starvation in areas of the country contested by the rebels. Both the Government and insurgent groups exchanged charges of atrocities committed against civilians. The resettlement program, which resumed in a "voluntary" fashion in late 1987, attracted renewed criticism in 1988--and was again put on hold--after an incident at Korem in which peasants resisting resettlement were shot. Regional instabilities led to dramatic increases in refugee influxes from Sudan and Somalia. The PDRE's intransigence on granting regular unrestricted access to the refugees hindered international humanitarian assistance to them. On the positive side, the Government released 7 members of the former royal family, released some 25 persons imprisoned for assisting the emigration of Ethiopian Jews, and exchanged prisoners of war from the 1977-78 war with Somalia.

ETHIOPIA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In 1988 the northern military situation was the major influence on the human rights situation in Ethiopia. The intensification of fighting between the Government and opposition groups in Tigre and Eritrea has led to increased claims on both sides of human rights abuses. There have been charges, some substantiated, of indiscriminate bombing by Ethiopian government forces of civilian targets. There have also been reports, on both sides, of executions of young males who have tried to avoid military service. Furthermore, up to 100 civilians may have been massacred by the Eritrean People's Liberation Front (EPLF) for attempting to prevent the military recruitment of young Afar tribesmen. The Government has charged the rebels with selected acts of terrorism against government facilities and officials in various northern cities. Because of the lack of access to the north by the international community, most other charges of abuse cannot be confirmed. Rebels accuse the Government of employing napalm and charge that massacres of hundreds of civilians occurred at El Sheib in May and at Hauzien in June.

b. Disappearance

There have been no confirmed reports of disappearances since the installation of the PDRE in September 1987. Rebel groups claim that disappearances attributable to the Ethiopian military are common in the northern conflict areas, but these claims cannot be confirmed.

The well-publicized disappearance in May 1986 of the Ethiopian Permanent Representative to the United Nations and Ambassador to Canada, Berhanu Dinka, remained unresolved despite pressure by many Western governments for information concerning his whereabouts. No charges were known to have been filed against him, but there were unconfirmed reports that he was transferred in July 1987 from the "third police station" (an Addis Ababa torture and interrogation center) to the so-called Gebi Prison in the basement of the Menelik Palace.

Guerrilla groups in the north have kidnaped relief workers operating in conflict areas. Two Italian contractors working at a village settlement scheme, kidnaped by the Ethiopian Peoples Revolutionary Party (EPRP) in November 1987, were released in May 1988; another Italian technician was kidnaped in June and was released in December. In February Tigre People's Liberation Front (TPLF) guerrillas kidnaped 6 expatriate relief workers and held them several days before releasing them. In April the Oromo Liberation Front (OLF) captured 2 Irish aid workers in a resettlement area and held them several days. It appeared that some of the kidnapings were in protest of Western donor involvement in resettlement schemes. The OLF, particularly, has protested the displacement of the Oromo people, to whose traditional land the settlers have been moved.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The new Constitution notably omits a passage from the 1955 Constitution prohibiting cruel and inhuman punishment. Torture has been used against members of most opposition groups, both those opposed for ideological reasons and those opposed for a combination of ideological and ethnic/regional separatist reasons, such as the EPLF in Eritrea, the TPLF in Tigre, and the OLF among the Oromo.

Political prisoners are initially taken to central investigation centers operated by the Ministry of Interior, such as the "third police station" in Addis Ababa or the Mariam Gimki Center in Asmara. Interrogation is often combined with physical abuse, especially for those suspected of affiliation with an opposition or insurgency group. Common methods of torture included prolonged beating on the soles of the feet, prolonged suspension from a rope in a contorted position, death threats, mock executions, sleep deprivation, and submergence to the point of unconsciousness in tanks of dirty water. Amnesty International's (AI) 1988 report, which covers events in 1987, notes that the organization continued to receive persistent reports of the torture of suspected government opponents after their arrest.

d. Arbitrary Arrest, Detention, or Exile

Despite the PDRE's new Constitution providing for arraignment in court within 48 hours, arrest warrants, a fair trial, protection against self-incrimination and the right to counsel, Ethiopians suspected of antigovernment actions or sentiments continue to be subject to arrest or detention by the police without charge or judicial review. In politically sensitive arrests, the Government generally prefers to operate in secret, taking the suspect from home at night. In most cases, political detainees are held incommunicado, without charge and without legal representation, at least initially and sometimes for the length of their term of incarceration. The term of confinement for a suspect held without legal charge is subject to the whim of the detaining official or agent. Most of the 2,000-3,000 political detainees and prisoners (as estimated by outside human rights groups) still have not been formally charged or sentenced. In fact, some detainees continued to be held without charge 14 years after their detention. Because of limited information available, no estimate of the number of persons detained in 1988 can be made. However, unlike in previous years, there were no reported instances of prominent Ethiopians being taken into custody.

Constitutional guarantees have also been curtailed by the deteriorating security situation in the north, the imposition of a state of emergency in 2 of the country's 14 provinces (as allowed in the Constitution), and the PDRE's obsession with internal security very broadly defined. The state of emergency suspends many rights by granting broad powers to an Administrator General appointed by the President, by establishing military courts, and by empowering the security forces to stop, detain, and hold indefinitely (at any time, without court or prosecutor's warrant) any person who has violated or who is suspected of having violated the special decree or who in any manner disturbs law and order within the emergency areas.

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Since imposition of the state of emergency in Tigre and Eritrea, there have been numerous reports alleging the arbitrary arrest of Eritreans suspected of being rebel sympathizers, and, often, their incarceration without being charged. Although lack of access to the north limits monitoring of these abuses in the emergency areas, there were confirmed reports of the arbitrary arrest of several Eritreans in Addis Ababa who remain incarcerated without charge.

There were several credible reports in 1988 of young males being forcibly conscripted on both the Government and the rebel side. On the Government side, armed soldiers, kebele officers, or local militias reportedly rounded up young males from the streets, from school rooms, and from door-to-door searches of homes and immediately impressed them into service. Those who tried to evade conscription allegedly were shot (see Section 1.a.). (Kebeles, urban neighborhood associations, are the primary units of urban administration.) On the rebel side, there have been reports that the EPLF forcibly recruited Afar tribesmen for military service and killed civilians who attempted to protect the young Afars from conscription.

The number and treatment of prisoners held by government forces and rebel groups are unknown. Some reports indicate that the treatment of PDRE prisoners by some guerilla forces generally has been good. The Government apparently does not recognize rebels captured in battle as prisoners of war, but rather treats them as traitors, either executing or imprisoning them. The Government considers its own soldiers captured by insurgent forces as deserters who merit execution, imprisonment, or immediate reassignment to the war front if returned. However, the fate of 127 prisoners of war returned to Ethiopia from Eritrea via Djibouti in October is unknown. The Government prevents relief organizations from providing communications between families and the PDRE prisoners in rebel hands. In 1987 the EPLF allowed the International Committee of the Red Cross (ICRC) limited access to some of its prisoners, but later, due to strained relations with the ICRC, the EPLF terminated the program.

There were some positive human rights developments in 1988, including the release from prison of the 7 remaining female members of the Ethiopian royal family who had been incarcerated since 1974 (3 male members remain in detention) and the release of approximately 25 people arrested in 1987 in Addis Ababa, Dire Dawa, and Gondar for reportedly arranging the surreptitious emigration of Jews from Ethiopia. The Ethiopian Attorney General was reported to have begun a prison census in 1988 to determine which prisoners were being held without charge or trial in violation of the new constitutional provisions. Recently, a major diplomatic initiative by the PDRE to improve its relations with Somalia led to a reestablishment of diplomatic relations and a negotiated prisoner exchange through the ICRC for those captured during the 1977 war between the two countries.

Many Ethiopians remain in exile unable to return to Ethiopia for fear of persecution. One million Ethiopians reside as refugees in neighboring countries. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of a Fair Public Trial

The modern court system has the Supreme Court at the apex and includes magistrate courts and a Special Court of Appeal. The loosely controlled military courts established in Tigre and Eritrea under the state of emergency, which have jurisdiction over a wide range of activities, operate without regard to constitutional protections.

There continued to be no real separation between the executive branch and the judiciary. Courts are subject to political control and are responsive to the requirements of Ethiopia's leadership. Law enforcement, centralized in the Public Security Section of the Ministry of Interior, continued to bypass judicial procedures in the interest of state security regardless of constitutional provisions.

In practice, the right to a fair public trial is observed and respected in civil and criminal cases of a nonpolitical nature. These cases generally are based upon the submission of evidence in a public setting. Minor cases are tried at the kebele level, while more serious criminal accusations are tried in courts where the accused has access to court-appointed lawyers. The criminal court system is open to political manipulations. For example, in one case in 1987, a high official, arrested for political reasons, was sentenced to more than 15 years in prison for a minor infraction after a trial which the judge himself agreed was based solely on circumstantial evidence.

When the Ministry of Interior allows political trials to take place, they are almost always held in secret, with only the verdict (if even that) publicly announced. Prisoners cleared of charges or whose terms have been completed are not always promptly released from prison. AI's 1988 report notes the difficulty in obtaining information on political prisoners but mentions several categories of prisoners, e.g., those held on suspicion of having links with armed opposition forces (often based only on ethnic origin) and those attempting to flee the country, an offense which in special cases can bring the death penalty.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the "inviolability of the house" and protects against unlawful entry into private homes. In reality, as in the past, warrants are not used for searches of offices or private homes. In Eritrea and Tigre the state of emergency grants the armed forces great latitude in searching or even confiscating suspected premises.

Surveillance of persons--both visual or through the use of listening devices--continues with no legal restraints. All mail is subject to government monitoring. Ethiopian citizens can be called in at any time for questioning by authorities and for mandatory kebele meetings, political rallies, or marches. Refusal to appear for any of the above may result in imprisonment without hearing.

Local kebele association officials monitor urban Ethiopians, whereas peasant association leaders perform the same function in the countryside. These officials monitor visitors received, items brought in and out of houses, any meetings, and adherence to local curfews. The scope of such

surveillance and petty interference in the private lives of Ethiopian citizens depends heavily on the makeup of the kebele and its leadership.

Government proclamations designed to enforce Socialist patterns of work make it illegal for a private farmer to employ laborers on his farm or to own more than one home. Such proclamations, however, are apparently ignored in some remote areas of the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is no freedom of speech or press in Ethiopia. The Government closely monitors the pronouncements of public officials, academics, and clergy. Some instructors and professors in secondary schools and at the university have resisted the politicization of education. Academic freedom, although seriously circumscribed, especially in the political and social sciences, still finds limited expression at the university.

The Government owns and operates all information media and exercises censorship through editorial boards and the Ministry of Information. Expression of unauthorized political opinions or of views at variance with the official government line can result in imprisonment. Political, economic, and social policies are formulated at top levels of government, then disseminated and monitored through the government-controlled media and government-organized citizen groups.

Books and magazines can be confiscated if deemed to contain sentiments opposed to the regime. Foreign magazines and newspapers are not readily available since foreign exchange is not granted to purchase them. Foreign radio broadcasts are widely listened to by the Ethiopian elite. There is no evidence of overt attempts by the Government to interfere with radio reception.

Local journalists are all considered to be government employees. Foreign journalists often have difficulty in obtaining visas, and the Government frequently restricts access to areas outside Addis Ababa, including the areas of conflict and famine and refugee camps.

b. Freedom of Peaceful Assembly and Association

Notwithstanding constitutional provisions, assembly of any sort, not previously approved by the Government, is strictly forbidden. In the few reported incidents of unauthorized assemblies, the Government reacted by sending the participants to rural settlement schemes, or, in the case of students, by refusing their return to the university. In contrast, attendance at government-sponsored rallies, meetings and parades is frequently mandatory and enforced by a wide range of sanctions. Ethiopians, traditionally cautious in their associations with one another and with foreigners, have become even more so under the present regime. Frequent or close association with foreigners can result in questioning, arrest and detention. Professional associations, such as the Rotary and Lions Clubs, are allowed to operate although their membership and activities presumably are monitored by the Government. Trade and professional associations were reorganized in 1986 by the Workers Party of Ethiopia. New

boards were selected for these groups from members approved by the party.

In October 1987 and early 1988, students at two University of Addis Ababa campuses demonstrated against living conditions in the dormitories and the removal of the dean of students. About 10 students were arrested for their alleged leadership role in the demonstrations, but they were released a short time later.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Since April 1988, the PDRE's war mobilization has included a strong appeal to Ethiopian nationalism and traditional values, including religion, an integral part of the national culture. Government officials have indicated that religion is now being factored into aspects of national planning. After the death of the abuna, head of the Ethiopian Orthodox Church in June 1988, the Prime Minister attended the funeral, which was given front page coverage in the daily newspaper. The Government carefully controlled the election of the new abuna apparently to ensure the election of someone who would be sympathetic to party policy.

The positive aspect of the Government's new attitude toward religion is increased respect for freedom of worship and proselytism for the Orthodox Church and Islam (each claims about 50 percent of the Ethiopian population) as provided in the Constitution.

Party members are officially prohibited from worshiping, but this ban is not enforced. According to press reports, kebele officials often discourage church attendance, generally by scheduling mandatory meetings on Sunday mornings. The Government nationalized most church property when it took power, and the Orthodox Church reportedly is dependent on annual government compensation payments to cover clergy salaries.

Orthodox and Islamic holidays are recognized by the Government, and officials of both religions are allowed to exercise jurisdiction over civil matters such as marriage. However, the Government expunges reference to any deity from dialog in television programs and films and forbids such reference in government statements or publications. The State continues to monitor religious practice and any teaching which might be contrary to its political line. The Government also appoints officials to the Orthodox Church administration to ensure church conformity with party policies.

Some other religions, particularly foreign Protestant evangelical organizations, which found their activities sharply curtailed after the 1974 revolution, have experienced a general trend of greater tolerance by central and local government officials over the last 2 years. Local government officials allowed a number of churches that had been closed to reopen. In 1986 a number of church officials were released from detention, including the general secretary of the Mennonite church (who had been detained since 1981) and leaders of the Ethiopian evangelical Mekane Yesus church. The Government issues permits to foreign missionaries to enter and work in Ethiopia in limited numbers, although ostensibly as

development specialists, not as missionaries. The Jehovah's Witnesses, however, remain totally banned.

Ethiopia's small Jewish community (the Falashas) live in areas peripheral to insurgent activity in Tigre and Gondar. Stories of genocidal actions by Ethiopian authorities or of highly brutal behavior toward Ethiopian Jews have not been substantiated by American visitors to these areas. Although Jews do suffer some economic discrimination (a holdover from prerevolutionary practices), the PDRE has been increasingly tolerant of the Falashas. The Government permits development assistance directed at the Falasha areas, even when such assistance has included a religious element (i.e., construction of synagogues).

Large numbers of Ethiopian Jews have surreptitiously left the country in recent years. Although the Government has attempted to block this exodus as part of its overall antiemigration policy (see Section 1.d.), it did release about 25 persons in 1988 who were under arrest for arranging the illegal emigration of Falashas.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Permission is required for Ethiopian citizens to change their place of residence, and persons considered politically suspect can be forbidden to travel outside their home areas. Travel within Ethiopia has remained restricted particularly in Tigre and Eritrea. In addition, the state of emergency has closed off a number of districts in the two provinces to any civilians; homeowners were given 15 days from the date of declaration of the state of emergency to evacuate specific areas with their personal belongings. The state of emergency decree granted the Administrator Generals of the two provinces broad powers to move any person or group from one place to another within the region or outside the region.

Late in 1987, the Government resumed the internal resettlement program, pledging to carry it out voluntarily and announcing plans to resettle 300,000 people during the following year. By April 1988 about 10,000 had been resettled before the Government's preoccupation with the war effort in the north led to temporary suspension of the program. Preliminary reports had indicated that most of those being resettled had volunteered, had been humanely transported, and had arrived at well prepared sites. However, about 40 people were killed or wounded on February 8 at Korem when soldiers fired indiscriminately on a crowd of several thousand drought victims after they passively refused a local administrator's demands that they board trucks for resettlement. When the international community called for the Ethiopian Government to investigate the incident of forced resettlement at Korem, the Government refused, labeling the reports of the incident as lies.

The Government's mandatory "villagization" campaign, which collects scattered rural farmers into newly created villages, continued in 1988. It is sanctioned under article 10, subarticle 3 of the Constitution, which states that "the state shall encourage the scattered rural population to aggregate in order to change their backward living conditions and to enable them to lead a better life." According to the Government, close to 12 million Ethiopians had been moved into such villages as of July 1, 1988 (31 percent of the rural

population). The Government has announced plans that call for 50 percent of the rural population to be moved into villages by 1993.

Peasants cannot avoid participating in the program, and to date almost everyone living in areas scheduled for villagization has been moved into the new settlements. The program has proceeded in the Gondar region despite some scattered antigovernment violence in opposition to the program early in 1987. The Government has devoted few resources to this large program. Farmers must dismantle their own houses, transport them to the government-selected village site, and reassemble them. Social services such as schools, new roads, or clinics--though promised--are rare. The Government has repeatedly stated that this program is a precursor to collectivization of Ethiopia's agriculture. Despite this goal, over 90 percent of agriculture is still on an individual family basis.

The continued conflict in those Ethiopian provinces most affected by drought and famine has increasingly led both the Government and the rebels to utilize distribution of relief aid as a weapon. An October 1987 attack by insurgent forces on an unarmed and unescorted U.N. famine relief column, destroyed 23 trucks and 400 tons of wheat. In January EPLF forces attacked an unarmed and an unescorted commercial convoy, destroying 17 trucks and 176 tons of food. In April the Government expelled all expatriate relief workers in Tigre and Eritrea, disrupting the relief distribution effort in government-controlled areas and prohibiting food deliveries to extensive areas of two drought-stricken provinces contested by insurgent forces. The Government's action thus denied food to more than a million of the 2 to 3 million Ethiopians previously being targeted by international relief efforts. In May United Nations personnel were allowed to reestablish a limited presence. Later in 1988, additional personnel from the U.N. and nongovernmental relief organizations were allowed to monitor relief distribution in some parts of the north.

Travel abroad by Ethiopians is closely controlled by the Government through the issuance of passports and mandatory exit visas. Passport applications require a letter of recommendation from the appropriate kebele head. Foreigners in Ethiopia have always been required to obtain a travel permit for internal travel. The Government prohibits all foreign access to areas of conflict, especially in Tigre. In mid-1988, the Government often denied requests for permission of U.S. Embassy personnel to travel in nonconflict areas but later in 1988 approved all requests.

Emigration is highly restricted, except in special circumstances such as marriage to or adoption by a foreign national. Leaving Ethiopia without authorization is a serious offense punishable by 5 to 15 years' imprisonment or, in exceptional cases, reportedly by death. Nonetheless, considerable illegal emigration occurs either under the subterfuge of travel abroad for business or to visit relatives, or by arduous treks overland and surreptitious crossing of borders.

The Government recognizes the right of voluntary repatriation, and its proclamation of mass amnesty for Ethiopians living abroad (numbering more than 1 million) remains in effect. Since December 1986, according to figures provided by the United Nations High Commissioner for Refugees (UNHCR),

approximately 25,000 Ethiopians spontaneously returned to Ethiopia from Sudan. In addition, UNHCR repatriation programs have successfully repatriated 3,591 Ethiopians from Djibouti since late 1986 and approximately 5,579 Ethiopians from Somalia during the same period. These official and spontaneous returnees were aided by the UNHCR. There are no reports that the returnees were mistreated or discriminated against upon their return. Also, it is thought, though not confirmed, that many Ethiopian refugees in northern Somalia may have returned to Ethiopia in an effort to flee civil strife.

Instability in neighboring countries has stimulated a large-scale refugee movement into Ethiopia with more than 750,000 entering the country--over 350,000 from Sudan and 400,000 from Somalia. The Government's limitations on access to refugee camps by much of the international community have made it difficult to ensure that the refugees receive relief assistance and adequate protection under the Geneva Convention. There have been no reports of the Government forcibly repatriating refugees. However, the Government has periodically harrassed Sudanese refugees and "people of concern" to the UNHCR. For example, in October Ethiopian security forces detained a Sudanese refugee shortly before his planned voluntary repatriation to Sudan. He was held several days before being released and allowed to return to Sudan.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens of Ethiopia are not free to change the Government. The new Constitution institutionalizes all power in the Workers Party of Ethiopia (WPE), the President, his advisors, and the 23-member Council of State. Political and economic policies are still dictated to the population with little opportunity for public debate.

The WPE and its mass organizations purport to offer Ethiopian citizens a means of participation in government, but their real role is to ensure adherence to Marxist-Leninist principles. The WPE, like its Soviet counterpart, is an exclusive group--not everyone can join. Higher level government officials are required to join if they wish to keep their jobs. Kebeles, the primary party/government control mechanisms at the local level, control housing allocation, basic food rationing, political indoctrination, and implementation of other government policies, such as registration and selection of youths for national military service.

To give a semblance of democracy to the newly organized administration, the Government sponsored a referendum in 1987 to approve the new Constitution and an election in the same year to choose the members of the 835-member National Shengo (one chamber Parliament) from slates of candidates approved by the WPE. Until now the Shengo has proved to be little more than a Government showpiece. It meets only once a year, and its first session in July included a series of unanimous "yes" votes and the post facto "adoption" of various measures previously approved by the Council of State. Shengo elections are to be held every 5 years.

The new Constitution mandates the formation of local Shengos in the 25 newly established administrative regions and the 5 autonomous zones. Under the autonomy plan, the Assembly of

the Eritrean autonomous zone is to have the exclusive right to promulgate and enforce its own laws so long as they do not conflict with national laws. The Assemblies of the other autonomous zones (Assab, Tigre, Dire Dawa, and Ogaden) would require permission from the central Government in order to formulate their own laws. The Constitution also lists a number of responsibilities reserved for the regional assemblies and their executive committees, including the preparation of social and economic plans and budgets for approval by the national Shengo. The PDRE hopes the autonomy plan will serve as a basis for a political solution to the various internal insurgencies, but its implementation still has not really begun.

Women are poorly represented at the top echelons of Government. There are 46 female members in the 835-member Shengo, and there are no female ministers or members in the Council of State.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government resists attempts by international and nongovernmental organizations to investigate human rights cases. It did not respond, for example, to Amnesty International's various inquiries in 1986, such as on the reported use of torture, or to its more recent appeals to respect major international human rights agreements. There is no governmental or private body to investigate alleged human rights violations. Ethiopia is not a signatory to any of the United Nations human rights documents or the African Charter of Human and Peoples' Rights. However, Ethiopia is a newly selected African representative to the U.N. Commission on Human Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for the equality of all Ethiopians irrespective of nationality, sex, religion, occupation, social or other status. The highest government echelons are no longer dominated by the Amhara ethnic group but include many Oromos and a few Eritreans and Tigreans. Almost all senior government and political figures are of Christian origin, although the population is approximately 50 percent Muslim.

While the rights of women are protected and promised additional government support by the Constitution, sex discrimination persists. Various U.N. studies indicate Ethiopian women are subject to many disadvantages such as cultural and traditional biases, marriages imposed at a very young age, hard and time-consuming labor, inadequate employment opportunities, and subaverage wages in urban areas. Village leadership is invariably male, and all clergy are male. However, women in the principal Ethiopian cultures (Oromo, Amhara, Eritrean, and Tigrean) enjoy certain economic rights equal to those of men. They may inherit, sell, or buy property and engage in business. In some rural areas, women have a subservient status within the home, and child marriages remain common, despite opposition by the Government. Long-established practices, such as female circumcision, remain prevalent among Ethiopian Orthodox and Muslim families despite government opposition. The Revolutionary Women's

Association, a mass organization created in 1980, has the proclaimed goal of improving the status of women.

Section 6 Worker Rights

a. The Right of Association

The only labor organization allowed to operate is the government-controlled Ethiopian Trade Union (ETU). The ETU, one of Ethiopia's mass organizations under the party's control, is a political group used by the Government to implement its policies, expand party control within the work place, and prevent work stoppages. Strikes and slowdowns are forbidden. Many of ETU's top leaders have been trained in Eastern Europe, and the organization has close ties to Soviet and Eastern European labor organizations. The 1988 Report of the International Labor Organization (ILO) Committee of Experts repeated its criticisms of the mandatory, single trade union structure in Ethiopia and renewed its request that freedom of association be granted to rural workers. The Committee noted the Government's assertion that, pursuant to the Constitution of 1987, a new labor code will be submitted to the National Shengo which will reflect the right of workers and employers to establish and join organizations without previous authorization, and which will take into account the Committee's comments, with particular reference to those concerning restrictions on the right to strike.

b. The Right to Organize and Bargain Collectively

Workers are not permitted to organize independently in Ethiopia. Labor/management negotiations do not occur in practice, although labor law does provide for it. Collective bargaining as such does not exist. Labor laws and practices are uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no information that forced labor is practiced in Ethiopia. However, on the demand of the kebele officials, citizens are required to "volunteer" their services for frequent community work programs. Workers are also expected to "volunteer" to work extra hours and weekends, at no pay, so that factory quotas can be met. The proclamation of the state of emergency in May was linked to a proclamation requiring that all employees donate 1 month of their salary to the war effort.

d. Minimum Age for Employment of Children

The minimum age of 14 for nonfarm labor seems to be respected in practice.

e. Acceptable Conditions of Work

The new Constitution recognizes in principle the right to work and to rest. Given high unemployment, there is pressure for existing jobs in the modern economy. The maximum legal workweek of 48 hours is generally respected in practice, but as noted there is much "volunteer" labor to meet factory or office quotas, and government workers receive little of their promised time off. Health and safety codes for the workplace are rudimentary and remain unenforced.

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The minimum wage in Ethiopia is about $24 per month. Additional allowances effectively raise the minimum wage of a full-time employee to about $34. Day laborers in the agricultural sector receive almost $1 per day plus some payment in kind (shelter or a meal, for example). Day laborers in the urban areas receive almost $1.50 per day plus transportation to and from the workplace. The minimum wage has been under review for some time without decision. It is not sufficient to provide a decent standard of living, and employees paid at these minimum rates must supplement their income such as through help from the extended family, or through subsistence farming.

GABON

Gabon is ruled by President Omar Bongo, the head of Gabon's sole political party, The Democratic Party of Gabon (PDG). Bongo has been reelected three times in uncontested elections, most recently in November 1986. The Constitution was amended in 1983 to provide that only the President-Founder of the party (President Bongo) may be the candidate for the presidency. In practice, presidential power is somewhat limited by a complex governmental structure, which includes a 46-member Cabinet headed by the Prime Minister. A 120-member National Assembly has no real power. All major ethnic groups and regions are represented in the Government, Political Bureau, and Central Committee of the party.

The armed forces comprise approximately 4,000 army, navy, and air force personnel. Internal security is shared by the Gendarmerie, a paramilitary force of 2,700, and the National Police, consisting of 2,000 troops, which works with the Gendarmerie to maintain law and order in Libreville, Port Gentil, and other provincial capitals. Uncontrolled immigration is of particular concern. Security forces monitor the presence and activities of tens of thousands of illegal aliens, and sometimes, as in June 1988, conduct campaigns to find and deport them.

Gabon's relatively high per capita income ($2,750 in 1987) is based on oil revenues, but it belies the underdeveloped nature of the country and its economy. Although endowed with oil, manganese, uranium deposits, and vast timber resources, Gabon has little developed agriculture and industry and must import most of its food and manufactured goods. Jungle covers 85 percent of the country, and approximately two-thirds of the populace lives in isolation. But the TransGabon railroad, completed in 1986, now connects the coastal capital of Libreville to Franceville in the southeast interior. The Government has imposed austerity measures to meet World Bank and International Monetary Fund program criteria, due to the precipitous fall in revenue from oil exports. A massive onshore oil field has been discovered in southern Gabon and should boost petroleum output by 50 percent by 1990.

Gabon maintained tight restrictions on political and civil liberties in 1988, but there were no known political detainees or prisoners at the end of the year. In June the Gendarmerie rounded up almost 3,500 undocumented Equatorial Guineans. There were unconfirmed allegations of deaths at that time of persons held in custody by the security forces.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings or summary executions in 1988.

b. Disappearance

There were no known cases of abductions or disappearances ascribed to government security forces or any other group.

GABON

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Gabonese security and law enforcement officials use beatings as part of the interrogation process.

Prison conditions are harsh. Amnesty International's (AI) 1988 report notes there were reports in 1987 that a number of criminal suspects and alleged illegal aliens had been beaten and tortured at Central Prison in Libreville. Central Prison is described as having poor hygiene, inadequate medical facilities, and insufficient food.

d. Arbitrary Arrest, Detention, or Exile

Gabonese law protects against arbitrary detention according to clearly articulated judicial procedures (in the French tradition) which are usually observed.

In security cases, however, the Government can detain persons indefinitely without charge. The Constitution specifies that "acts against the security of the State" and "actions against the Chief of State," which can include advocating a multiparty system, are punishable crimes. There were, however, no known political detainees or prisoners being held at the end of the year.

Exile is not used as a means of political control nor as a sentence for a convicted criminal. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The regular court system, modeled on the French system, has several levels: the Trial Court (Tribunal de Premier Instance) hears questions of fact and law in civil, commercial, social, criminal and administrative cases; the appellate level is divided into two courts, with a separate appeals court for criminal cases; and the highest level, the Supreme Court, has four chambers. Outside of the normal court system, there is a military tribunal to handle all offenses under military law, a State Security Court, and a special criminal court which deals with fraud and embezzlement of public funds by officials. The right to a fair public trial is provided for in the Constitution and generally has been respected in criminal cases. However, court officials are appointed by the President, who can also transfer and dismiss them by decree, and the judiciary is susceptible to intervention by the executive, particularly in political or security cases.

In 1988, on New Year's Day and on the 20th anniversary of the ruling PDG, President Bongo commuted the sentences of first offenders who were not convicted of first degree murder or armed robbery.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government periodically monitors communications. Search warrants may be obtained after the fact or, as in the case of the Equatorial Guineans who were detained in June, not at all. There were credible reports that in many cases the homes of those detained were ransacked by security forces who confiscated personal effects. Membership in the ruling PDG is

not mandatory, and Gabonese citizens' livelihoods are not compromised by failure to join the party.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are restricted. Neither direct public criticism of the President nor advocacy of a multiparty political system is permitted. Individual Gabonese citizens with access to the President can express their views, including criticisms, directly to him in private meetings without fear of retribution. Public media--radio, television, and the sole daily newspaper L'Union--are controlled by the Ministry of Information and disseminate government views and communiques. The media carry copious wire service material (mostly Agence France Presse) which gives the public some coverage of world events. The President encourages journalists to point out failures of individual government officials or ministries and to highlight inefficiency and corruption. Foreign books and magazines containing "scurrilous" material have been banned in the past; but this has not occurred in recent years.

Academic freedom is permitted as long as it does not entail public criticism of the President or of the political system. There were reports in 1988 that professors had considered (but never implemented) protest action against cuts in their allowances.

b. Freedom of Peaceful Assembly and Association

The Government limits assembly and association to recognized organizations. Permits and police notification are required for all outdoor meetings. The Government generally permits such meetings only if they are organized by the ruling party (and its ancillary units such as the womens', youth, and labor movements), cultural and entertainment impresarios, and recognized church groups. Demonstrations are not permitted. Students at Libreville's Omar Bongo University went on strike in late April to protest the serving of contaminated food in the university cafeteria. The nonviolent protest and occupation of the university were defused when President Bongo met with student leaders at the palace and funded hotel-catered meals until new management could take over the cafeteria.

International service organizations, such as Rotary and Lions Clubs, are active in Gabon.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion, and the Constitution provides for religious freedom. Because their activities were considered by the Government as fostering disunity, Jehovah's Witnesses and several small syncretistic sects were banned by presidential decree in 1970. The decree was reiterated in 1985. As recently as 1987, the courts sentenced 24 Jehovah's Witnesses to short or suspended terms for belonging to a banned organization.

Catholic and Protestant churches are the primary organized faiths; there are a few Muslims (including President Bongo)

and numerous adherents to traditional religions. Foreign missionaries, including Americans, are engaged actively in evangelical and administrative capacities. To head off a schism caused by a leadership struggle within the important Protestant Evangelical Church of Gabon, President Bongo set up a high-level commission headed by the First Vice Prime Minister (himself an evangelical) to harmonize the differences between the two factions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement of both Gabonese citizens and expatriates within the country is not restricted formally, but travelers occasionally encounter gendarmerie control points where identity cards and other documents are examined. While Gabonese citizens may return freely to Gabon from abroad, they must obtain exit permits from the police, and government employees must obtain permission to travel abroad.

There are approximately 200,000 non-Gabonese resident in Gabon, many of whom are from Equatorial Guinea or Cameroon. Immigration laws and presidential decrees promulgated in 1986 imposed heavy monetary guarantee requirements on non-French and non-American expatriates working in Gabon and levied exit visa fees for each departure from the country. In June the Gendarmerie detained approximately 3,500 undocumented Equatorial Guineans over a 3-day period. They were placed in a holding camp under harsh conditions, and, according to unconfirmed reports, several allegedly died in custody. Most of the detainees were released after paying fines and bribes, but at the end of June over 200 Equatorial Guineans still were incarcerated. A few relatives of documented refugees were detained but quickly released, and U.N. officials subsequently began issuing indentification documents to all members of refugee families. In July the Government of Equatorial Guinea arranged for the voluntary repatriation from Gabon of about 1,500 of its citizens. President Bongo accepted on a temporary basis 12 Iranians and 3 Turks (Kurds) expelled from France in December 1987 and arranged for their voluntary repatriation 1 month later to Spain, Great Britain, Sweden, and France.

The Government encourages "regroupment"--the voluntary consolidation of small rural communities into larger villages along a road--by enhancing the delivery of public services such as water, electricity, and schooling in the larger villages.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The present political system does not accord citizens the right to change their government through the electoral process. The Democratic Party of Gabon (PDG) is the sole political party of Gabon. A party constitution amendment (March 1983) restricts candidacy for presidential elections to the Founder-President of the PDG. Among party members, there is competition for elections to the National Assembly and for positions on the Central Committee; but this maneuvering is within the party--no other political parties are permitted. Presidential elections are held during the 7th year of the President's term; National Assembly members are elected for 5 years. The Council of Ministers, which meets under the chairmanship of the President or, occasionally, the Prime

Minister, approves all government decisions proposed by the President. The 46-member Cabinet (reshuffled slightly in October) includes representatives of major ethnic groups from all regions of the country. This large Cabinet allows the various interest groups to have a review role in policy formulation, a share in political patronage, and a consultative role on national resource distribution.

Women play a secondary role in political life. Gabon's Cabinet includes 1 woman at full ministerial rank (Minister of Justice) and 4 secretaries of state; 5 women are members of the Political Bureau of the party; and 17 women are delegates in the National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although Gabon has not been the object of such investigations in recent years, President Bongo in the past has invited representatives of AI and other human rights organizations to visit Gabon. There are no local human rights groups. In the cabinet reshuffle of January 1987, responsibility for human rights questions was given to the Secretary of State for Promotion of Women.

A Gabonese state counselor was elected in November 1987 as the first chairman of the Organization of African Unity's new African Commission on Human and Peoples' Rights. The third session of the Commission met in Libreville April 18-28, 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Gabon's relative prosperity has enabled the Government to extend health and social security benefits to all its people, regardless of tribal affiliation or region. Recent difficulties in maintaining these benefits have been due to severe budget cutbacks rather than to discriminatory practices.

Women increasingly are moving into the professions due to educational opportunities, including in technical training institutions in the urban areas. Government and party policies are supportive. But in rural Gabon women still fill largely traditional roles built around family and village, e.g., hauling water, tending fields. The gradual introduction of piped-in water and electricity has had the effect of improving living standards for rural women.

Section 6 Worker Rights

a. The Right of Association

Labor unions may organize, but must be affiliated with the government-sponsored Labor Confederation of Gabon (COSYGA), which is a specialized organ of the PDG and the sole labor federation. It is estimated that over half of Gabon's 90,000 salaried private sector workers are unionized.

Under Gabonese law, the right to strike continues to be seriously restricted; strikes are illegal if they occur before remedies prescribed under the Labor Code (1978) have been exhausted. In November and December, utilities workers in Gabon's oil capital of Port Gentil staged several work stoppages to protest government-ordered cuts in salaries and

personnel at the state-owned utilities company. Also, in December Air Gabon employees struck to protest elimination of their Christmas bonus. These incidents were resolved peaceably.

Government employees are not permitted to belong to unions. COSYGA is a member of the Organization of African Trade Union Unity and maintains ties with the American Federation of Labor and Congress of Industrial Organizations. It participates in meetings of the International Labor Organization (ILO).

b. The Right to Organize and Bargain Collectively

Unions in each sector negotiate with management over specific pay scales, working conditions, and benefits applicable to their industry. Representatives of labor, management, and government meet annually to agree on the minimum wage, which is determined within guidelines provided by the Government. Agreements reached between labor and management in each sector also apply to nonunion and expatriate labor. According to the Labor Code, workers may individually or collectively take complaints of code violations to arbitration and may appeal to labor and national courts. These provisions are respected in practice. Labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law, except that the ILO Committee of Experts has for many years noted that provisions of the Merchant Shipping Code are incompatible with ILO Conventions on forced labor. The Government has reiterated that it is in the process of amending the Code.

d. Minimum Age for Employment of Children

No minor below the age of 16 may work without the authorization of the Ministries of Labor, Public Health, and Education. It is granted rarely, and few employees in the modern wage sector are below the age of 18. Children are involved in traditional, family farm labor in the rural areas.

e. Acceptable Conditions of Work

The Labor Code (1978) and the General Convention of Labor (1982) govern working conditions and benefits for all sectors. Labor legislation provides broad protection to workers. The minimum wage for unskilled labor since April 1985 has been about $200 per month for Gabonese and about $150 for foreigners. Owing to labor shortages, most salaries are much higher. These wages provide a decent living for workers and their families. Work over 40 hours per week must be compensated with overtime, and the workweek must include a minimum rest of 48 consecutive hours. Pregnant women have a right to 14 weeks of leave during pregnancy, including 6 weeks before delivery. The Labor Code provides for occupational health and safety standards to be established by decree of the Minister of Health. These standards are enforced by the Government. There has been little unemployment for Gabonese wishing to enter the wage economy, although it is increasing as the economy reacts to the drop in world oil prices.

THE GAMBIA

The Gambia, a small country on the West African Coast, is a parliamentary democracy with an elected president and legislature. Until a bloody coup attempt in July 1981, The Gambia had a history of political stability under the leadership of its only President since independence in 1965, Sir Dawda Jawara. His ruling People's Progressive Party (PPP) has dominated the Parliament, but several opposition parties participate in the political process, including two new political parties formed in 1986. In the parliamentary and presidential elections held in March 1987, President Jawara was reelected by a large margin, and PPP candidates won an overwhelming majority in the Parliament. While there were some allegations of fraud, none was substantiated, and the elections were judged by most observers to be free and fair.

Discussions on the process of confederation with Senegal have slowed in recent years and in 1988 focused on defense and economic issues. The Gambia has a small army with an attached naval unit organized and trained by British officers. One company of the Gambian army has been integrated with Senegalese troops into a confederal battalion led by a Senegalese officer. The Gambia also has a gendarmerie of about 600 members, headed by a Senegalese.

The Gambia's estimated population of 784,000 consists largely of subsistence farmers growing rice and groundnuts (peanuts), the country's primary export crop. The Gambia continued in 1988 a stringent program of economic reform which met the targets agreed upon with the International Monetary Fund, the World Bank, and other donors. The program has allowed The Gambia to reschedule its debt and receive critical new loans.

The Gambia continued its good human rights record during 1988. A treason trial held from January to May against four persons accused of plotting to overthrow the Government was marked by extensive efforts by the judge to assure a fair trial, including medical testimony to evaluate torture allegations and vigorous cross-examination by the defense of all prosecution witnesses. Two of the accused received 20-year sentences, one received a 5-year sentence, and the fourth was acquitted.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no instances of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and other cruel, inhuman, and degrading punishment. However, during the widely publicized 1988 treason trial, allegations of torture were made by two of the accused. The prosecution admitted that the defendants had been denied access to all outside contacts from

the time of their arrest until their interrogation was completed. But after an investigation by the court, including medical examinations and testimony by a reputable doctor, the torture allegations were dismissed. Nonetheless, arresting officers are sometimes reported to be rough in their treatment of suspects during questioning.

Prison conditions are severe, and there have been occasional reports of mistreatment of prisoners. The Government expressly disapproves of such practices. The recent deaths of several inmates due to an inadequate diet at one prison led to a presidential visit and the creation of a commission to study prison conditions. The Commission had not completed its report by the end of 1988. The Government allows prison visits by representatives of the local Red Cross and by close family members.

d. Arbitrary Arrest, Detention, or Exile

Based on British legal practice, well-developed constitutional and legal procedures govern the arrest, detention, and trial of persons accused of crimes. Under these procedures, a detained person must be brought to trial within 1 week of arrest. This waiting period, however, can be extended twice, making 21 days the maximum period of detention before trial.

Amnesty International's 1988 report notes that the Goverment in 1987 detained several suspected members of the Movement for Justice in Africa, which was banned by the Government in 1980. These suspects were later released and were never charged. There are some self-exiled opposition elements who would be arrested for suspected involvement in the 1981 coup attempt if they returned to the Gambia.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Three kinds of law operate in The Gambia: general, Shari'a, and customary law. Shari'a, governing Muslims, is observed in marriage and divorce proceedings. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure and utilization, local tribal government, and all other traditional civil and social relations. General law, based on English statutes and modified to suit the Gambian context, governs criminal cases and trials and most organized business practices. If there were a conflict between general law and Shari'a, general law would prevail.

The Constitution provides criminal defendants with the traditional rights of the English legal system, such as presumption of innocence, the right of the accused to be informed promptly of the charges, and the right to a public trial. If released on bail, an accused person may face charges indefinitely, since there apparently is no maximum time limit for completing the investigation and bringing the case to trial. Appeals normally proceed from the Supreme (trial) Court to the Court of Appeals, the country's highest tribunal.

While the judiciary operates independently and is free of government interference, judges are appointed by the Government. Because of the shortage of legal professionals in The Gambia, the legal system is staffed in part by judges and

prosecuting and defense attorneys from other English-speaking countries having the same basic legal system as The Gambia.

Authorities arrested 20 persons in January for allegedly plotting to overthrow the Government. Most were soon released on bail. Subsequently, four persons were accused of treason and tried. The defense was vigorous, and included the cross-examination of prosecution witnesses, the presentation of defense testimony and evidence, and a challenge to the admission of statements given by the defendants to the police. The latter challenge was based on allegations that the statements had been coerced by the use of torture. Both sides presented evidence concerning these allegations, and the judge ruled that torture had not been proven. After over 3 months of testimony, the trial judge found three of the defendants guilty and one not guilty. Two of those convicted were sentenced to 20 years, the third to 5 years.

Currently there are no known political prisoners in The Gambia, and no prisoners are awaiting death sentences. Fifty-nine persons, serving sentences for crimes committed in connection with the 1981 coup attempt, remain in prison. All of those sentenced to death after that coup attempt have had their sentences commuted to life imprisonment.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides guarantees, which are respected in practice, against arbitrary search of person and property. The Constitution permits searches to which a suspect submits voluntarily or a mandatory search if it is reasonably required in the interest of national defense or public welfare. Under the criminal code, search warrants based on probable cause are issued by magistrates upon application by the police. There are a few police and military checkpoints in and around Banjul, which periodically stop drivers and search vehicles.

The rights of family are of extreme importance in The Gambia's conservative Muslim society. Marriage, the raising of children, and religious instruction are regulated by a combination of personal preference and ethnic and religious tradition. The Government does not normally intrude in family matters. Family planning is encouraged but not enforced. There is no effort to censor or control personal correspondence or communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press. The opposition parties have not been particularly active since the 1987 elections, but members freely express their opinions about the Government and ruling party.

The Government does not attempt to censor published materials, whether they originate within or outside the country. In practical terms, The Gambia, with its small, mainly rural, largely illiterate, multilingual population, does not support an active press. There are no daily newspapers. The Government and the People's Progressive Party have newspapers which are published on a biweekly or monthly basis. There are several independent, intermittently published, mimeographed newssheets. Both the opposition and the independent press are

openly critical of the Government. A biweekly mimeographed paper, sponsored by a legal Socialist party, has been particularly vocal in condemning the governing party. There is, however, some degree of self-censorship in the government-owned media, which exercises restraint in reporting criticism of the Government. There is no television in The Gambia, although Senegalese broadcasts can be received. The Government dominates the media through Radio Gambia. There have been no reported instances of government interference with the one commercial radio station, which mainly broadcasts music. Foreign magazines and newspapers are available in the capital. There is no university in The Gambia.

b. Freedom of Peaceful Assembly and Association

In general, there is no interference with the freedom of association and assembly, which is provided for in the Constitution. The Government almost always grants permits for meetings but requires that these meetings be open to the public. However, the Movement for Justice in Africa, which was implicated in the 1981 coup attempt, is banned. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The constitutional provisions of freedom of conscience, thought, and religion are observed in practice. The State is secular, although Muslims constitute over 90 percent of the population. The schools provide instruction in the Koran for Muslim students. Christians, both Catholic and Protestant, freely practice their religion. There is a small Baha'i community in Banjul. Missionaries are permitted to carry on their various mission-related activities openly and freely. There is no evidence of discrimination in employment, education, or in other areas of Gambian life on religious grounds.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement, subject to conditions protecting public safety, health, and morals. There is no restriction on freedom of emigration or freedom of return. Internally, police and military checkpoints exist in and around Banjul, but there is no evidence that police harass travelers. Because of historic and ethnic ties with the inhabitants of Senegal, Guinea-Bissau, Mali, Sierra Leone, and Mauritania, people tend to move freely across borders, which are poorly marked and difficult to police. Under the Confederation Treaty of 1981, neither Gambians nor Senegalese need passports or visas to travel to or reside in the other country. The Gambia also recognizes the Economic Community of West African States' (ECOWAS) protocol which allows entry of ECOWAS country citizens up to 90 days without visas.

Refugees fleeing persecution or unrest in other countries are not numerous in The Gambia, but the Government and people have a reputation for tolerance. There have been no reported cases of refugees being forcibly deported.

THE GAMBIA

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The President and the Members of Parliament are popularly elected, as are the district councils and the chiefs, who exercise traditional authority in the villages and compounds. Presidential and parliamentary elections are held every 5 years. Citizens must be at least 18 years of age to vote. Balloting is secret, and measures are employed to assure that illiterate voters understand the choices and voting procedure. A functioning multiparty system exists in The Gambia even though the People's Progressive Party under the leadership of President Jawara has been in power since independence. The principal opposition party, the National Convention Party (NCP), contests both national and district elections. Two newly formed opposition parties, The Gambia People's Party (GPP) and the People's Democratic Organization for Independence and Socialism (PDOIS), contested for office in the March 1987 presidential and parliamentary elections. Campaigning was vigorous, active, and open to all parties. The ruling PPP won by an overwhelming majority and now holds 31 of 36 elective seats in the Parliament. The NCP was the only opposition party to win seats. The opposition charged that the election was manipulated by the Government but did not provide evidence to support its allegations. The opposition also charged, with some justification, that the PPP benefited from its control of Radio Gambia and access to government vehicles for campaigning.

Women participate actively in party and electoral politics. However, only one woman is an elected member of Parliament while three others, including the Minister of Health, were appointed by the President. The parliamentary secretary in the President's Office is a woman. In addition, there are women in prominent positions in the civil service as department heads and undersecretaries. There is a women's bureau in the Office of the President which actively promotes debate on women's issues.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is responsive to charges of human rights violations and permits visits of international human rights organizations to observe the conditions of detainees and the trial process. There were no reported requests by such organizations for investigation of alleged human rights abuses in The Gambia during 1988. The Gambia is an active member of the United Nations Human Rights Commission and of the Organization of African Unity's (OAU) Commission on Human and Peoples' Rights. It took the initiative in persuading the OAU to locate the Commission in Banjul. The Government has also proposed the creation of a quasi-governmental African Center for Democracy and Human Rights Studies to be located in Banjul.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Gambian population is overwhelmingly Muslim and rural, with 85 percent living in villages. While personal initiative and choice are valued, there is considerable emphasis on the collective aspects of rights and privileges. Traditional views, especially about the role of women in society, are changing, but very slowly. Marriages are still often

arranged, and Muslim tradition allows for polygamy. In villages the women continue to perform work in the field and provide for the majority of local food production. Women also play an important role in the small, modern wage sector of the economy. Most are in semiskilled jobs (e.g., assembly work, handicraft shops, bus conductors), very few are in skilled trades (e.g., carpentry, auto repair), and a small but growing number are in midlevel supervisory positions (e.g., civil service, tourist hotels, and banks). There is no wage or benefits discrimination for jobs that are performed both by men and women. Females comprise over one-third of the students in primary school, and, with growing educational opportunities, women participate increasingly in the professions and in political life.

Section 6 Worker Rights

a. The Right of Association

The Labor Administration Act specifies that workers are free to form associations. However, less than 20 percent of the work force is engaged in the modern wage sector of the economy, where unions normally are active. The Labor Administration Act authorizes strikes. However, because of a required 14-day cooling off period (21 days in essential services), government conciliation efforts, and the poor bargaining strength of the unions, few strikes actually occur.

The Gambian Workers' Confederation (GWC) and the Gambian Workers Union (GWU), the two main independent and competing umbrella organizations, are both recognized by the Government, with which they have a good working relationship. As a result of an incomplete merger effort, both organizations claim affiliation to the International Confederation of Free Trade Unions (ICFTU); however, the ICFTU continues to recognize the GWU as its affiliate. Both unions are affiliated with the Organization of African Trade Union Unity. In addition, there are two other Gambian labor confederations, The Gambian Labor Confederation, which is affiliated with the World Federation of Trade Unions, and the Gambian Trade Union Congress, which is affiliated with the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively

The Labor Administration Act also provides for collective bargaining. However, trade unions are small and fragmented and are a minor element in Gambian economic and political life. Over the last 2 years, for example, there has been no reported bargaining activity.

Trade union rights are protected in law and practice. There is no export processing zone in The Gambia. Labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no evidence of forced or compulsory labor in The Gambia.

d. Minimum Age for Employment of Children

Because of the paucity of secondary school opportunities, most children complete their formal education by age 14 and informally enter the work force. In the small industrial sector of the economy, labor cards authorizing employment of

youth are generally not issued until they reach the age of 16 and never below the age of 14. This control of child labor does not apply to customary chores on family farms.

e. Acceptable Conditions of Work

Minimum wages and hours of work are determined by the Joint Industrial Council, pursuant to the Labor Administration Act, which has representation from employees, employers, and government. These minimum wages do not provide for a decent standard of living. But most Gambians, because of the extended family system, do not live on one worker's earnings. And the actual compensation paid is higher than the minimum wage. For example, the minimum wage for an ordinary unskilled laborer is approximately $1.50 per day for a 10-hour day, but in fact such workers now receive about $2.15 per day. Under the Factory Act, the Minister of Labor is given authority to regulate factory health and safety, accident prevention, and dangerous trades and to appoint inspectors to ensure compliance. However, this system is less than fully satisfactory, owing to the shortage of inspectors. The Government announced in 1987 that it would submit to Parliament a new labor code to replace obsolete labor laws; and a new industrial injuries compensation act to replace the existing Workmen's Compensation Act.

GHANA

Ghana is governed by the Provisional National Defense Council (PNDC) under the chairmanship of Flight Lieutenant Jerry John Rawlings, who seized power from an elected government on December 31, 1981, and abolished the Constitution, which has never been replaced. Under the Establishment Proclamation of January 11, 1982, the PNDC exercises "all powers of government." In practice, government policy is developed by Chairman Rawlings, assisted by a number of close advisers, both inside and outside the Government. In addition to Chairman Rawlings, the PNDC consists of eight members, of whom two are serving military officers and six are civilians. The executive consists of ministries headed by secretaries, most of whom are subordinate to a PNDC member responsible for that particular area of government. There is a quasi-political organization in the countrywide network of Committees for the Defense of the Revolution (CDR's), which are designed as a channel to transmit government policies to the citizens. There is no national legislature or lawmaking body. All national, regional, and many district officials are appointed by the PNDC. In December the Government held district-level elections for 56 newly created district assemblies; elections for the remaining 54 district assemblies were scheduled for early 1989.

The several security organizations which exist in Ghana report to various departments of government, but all come under the control of the PNDC. Most security cases of a political nature are handled by the Bureau of National Investigation (BNI), which reports to the PNDC member responsible for security issues.

Starting in 1983, the Government adopted an Economic Recovery Program (ERP) to redress a quarter century of economic mismanagement and political instability which caused Ghana to decline from one of Africa's most promising economies to near collapse. Conducted in concert with the International Monetary Fund, the World Bank, and a consultative group of bilateral donors, the recovery program has had a positive impact. The economy has grown annually since the inception of the ERP, and inflation, which rose in 1987 to 39 percent, was still far below the triple-digit figures of earlier years.

There continue to be significant human rights problems in Ghana, with restrictions on basic rights such as freedom of speech, press, and assembly, and legal due process. The Rawlings regime has largely restored order following the 18-month period of revolutionary excess in 1982 and 1983. However, there were two shooting incidents in May 1988 involving members of the Civil Defense Organization (CDO), a militia based at the regional and local level. The national CDO head was replaced because of these incidents and new measures were taken to bring the CDO's under control. Similarly, in April there were major changes in the leadership of the national CDR to instill discipline and strengthen organization. There were no known coup plots in 1988. Arbitrary arrest and detention were continuing problems, with instances of incarceration without formal charges during investigations sometimes lasting more than a year.

GHANA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

No politically motivated disappearances were reported in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There have been occasional credible allegations of torture and beatings in recent years. Consideration was given to restoring corporal punishment in 1988 for convicted petty offenders, e.g., pickpockets, as punishment in lieu of a prison sentence; however, no law was enacted to this effect. Prisons in Ghana are antiquated, and conditions are harsh. In the last 18 months, one American citizen died of a heart attack and another of malaria while being held in the Ghanaian prison system. A third American stated that while in prison in 1988 he had been physically mistreated and threatened with a pistol.

d. Arbitrary Arrest, Detention, or Exile

Ghanaian security forces occasionally take persons into custody, with or without a warrant, and hold them incommunicado for extended periods of time. The number of such cases is not known, but the threat of such treatment serves as a deterrent to activities deemed unacceptable to the State. PNDC Law 4 (Preventive Custody Law of 1982) provides for indefinite detention without trial if the PNDC determines it is in the interest of national security.

In routine criminal cases, arrests generally conform to the legal procedures set forth in the criminal code. This code requires that an arrested person be brought before a court within 48 hours to be charged. However, the court can refuse to release a detainee on bail and instead "remand" him without charges for an indefinite period of time, subject to weekly review as a case is investigated. Habeas corpus is limited by a 1984 law which prevents any court from inquiring into the grounds for the detention of any Ghanaian under PNDC Law 2 (which set up the National Investigation Committee and gave the Committee the power to investigate virtually any allegation referred to it by the PNDC).

Four persons arrested in 1987 for their activities in leftist organizations--the New Democratic Movement (NDM) or the Kwame Nkrumah Revolutionary Guards (KNRG)--remained under detention without charge at year's end. They are K. Adu-Amankwah, head of the Trade Union Congress (TUC) political department, and A. Akoto-Ampaw, former Secretary General of the All-African Students Union, arrested May 18, 1987, for alleged seditious activities; and Kwame Karikari, University of Ghana lecturer, and K. "Orsino" Aryeetey, CDR activist, both arrested in mid-July 1987 under PNDC Law 4 (on preventive custody). Others similarly arrested without charges in 1987 but released between December 1987 and May 1988 were Ralph Kugbo, John Ndebugre, Kwesi Pratt, Geoffrey Kumfo, and Yao Graham.

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In 1988 Amnesty International appealed for the release of the four men still in custody, plus some of those released earlier in the year. The PNDC has denied appeals from various organizations including the TUC, the National Union of Ghanaian Students (NUGS), and an informal group of university faculty members, citing national security considerations as justification.

In recent years, a number of American citizens have been arrested and held without charge for lengthy periods without the U.S. Embassy being notified or provided access as stipulated in international conventions and a bilateral treaty. The Department of State issued a travel advisory in August 1988 warning American visitors of continuing problems with Ghanaian authorities over notification and access and advising them of their rights under international law.

The Government does not practice forced exile. In 1988 the Government continued quietly to encourage Ghanaian exiles with valuable skills to return home, offering them the opportunity to return with amnesty. A limited number of officials of the former government who fled Ghana in the early years of the revolution have returned and resumed careers outside of politics, apparently without difficulties. Others have remained abroad, particularly in the United Kingdom and other parts of Europe, in order to conduct active opposition to the PNDC or out of fear of political persecution.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There are two court systems in Ghana. In the regular "prerevolutionary" court system, traditional legal safeguards are based on British legal practice. Trials are public, and defendants have a right to be present, to be represented by an attorney, and to present evidence and cross-examine witnesses. This system includes high courts, appeal courts, and a supreme court headed by a chief justice. Questions exist, however, about the independence of the regular courts. In April 1986, the PNDC summarily dismissed 16 judges, alleging that they were guilty of malfeasance. By this action, the PNDC put judges in the regular courts on notice that they serve at its sufferance. The independent Ghana Bar Association has urged the reestablishment of a judicial council to protect judges from arbitrary dismissal and preserve judicial independence.

A separate public tribunals system was set up by the PNDC in 1982 to bypass the regular court system and speed up the judicial process by deemphasizing legal "technicalities." This system includes the Office of Revenue Commissioners, the National Investigations Committee, the Special Military Tribunal, and the Public Tribunals Board, as well as the public tribunals themselves, which operate at the national and regional levels. Plans are under discussion to extend the public tribunal system to the district level as well. Most sensitive political cases and those involving security issues and capital punishment are heard by public tribunals. No appeals were permitted until 1985, when a National Appeals Tribunal was created.

The public tribunals depend largely on judges with little or no legal experience, and they shortcut legal safeguards and due process to provide "rough and ready" justice. Presiding

judges are more often laymen than lawyers; there are no published guidelines concerning the admissibility of evidence; and conviction is by majority vote of the panel trying a case. Critics also contend that meaningful appeals are impossible because no adequate record is kept of initial hearings before tribunals. Judges on the appeals panel are drawn from the same pool of "lay judges" who hear initial cases. The members of the Ghana Bar Association, citing such shortcomings, have elected not to practice before the public tribunals. This means that in practice defendants may appear before the public tribunals with inadequate or no legal representation. In 1985 the Government approved the creation of a legal aid program, but it has been only marginally implemented.

There are no reliable estimates of the number of political detainees and political prisoners in Ghana. There has been at least one published report, whose authority is uncertain, that there are 200 political prisoners in Ghana. The Government claims the actual number of political prisoners is small.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Citizens not engaged in activity objectionable to the Government are generally free from interference with regard to private conduct, although some critics characterize the local CDR's as "neighborhood watch committees." Monitoring of telephones and mail is presumed to occur, and forced entry into homes has been reported in connection with security investigations. The State supports family planning, but there is no interference with the right to marry or have children as one chooses.

Section 2 Respect for Civil Liberties, including:

a. Freedom of Speech and Press

Ghana has no constitution, and there are no guarantees of the freedoms of speech and the press. The PNDC Chairman has frequently encouraged people to speak out on local community concerns, though not on government policy. However, informers are said to exist, and some Ghanaians hesitate to speak frankly at public gatherings or attend certain functions.

The Government owns the radio and television stations and the two principal daily newspapers. Reporting in government-owned media accentuates positive aspects of the revolution, but also covers selected instances of corruption and mismanagement in government agencies and state-owned enterprises. In general, media criticism of the revolution or of Chairman Rawlings and PNDC members, as well as of foreign and domestic policies, is not tolerated. Journalists are subject to discipline or dismissal by the Government for running articles deemed unacceptable, and the editor of the government-owned weekly The Mirror was dismissed in August.

One or two of the few remaining privately owned newspapers have tried to be relatively bold in reporting selected issues. The Kumasi-based Pioneer, for example, has at times taken provocative positions, including a series of editorials and articles criticizing Ghana's foreign policy and the Economic Recovery Program (ERP) and calling for the resignation of the Finance Secretary. However, several privately owned newspapers have closed down in recent years,

and in December 1985 the Government banned publication of the Catholic Standard; it remained banned in 1988. A few foreign periodicals such as West Africa, Time, and Newsweek are sold freely in Accra and other major cities, and even issues critical of Ghana are allowed to circulate. Western journalists are now routinely accorded visas and press credentials as opposed to the practice of a few years ago.

Academic freedom tends to be respected within the confines of the campus. The National Union of Ghanaian Students, one of the more vocal critics of the PNDC, is tolerated and allowed to organize and hold meetings. Several leftwing political organizations, including the June Fourth Movement and the New Democratic Movement (NDM), were founded by faculty and students at the University of Ghana. The NDM is viewed with particularly deep suspicion by the PNDC. Just prior to examinations in May, university students demonstrated over campus issues and forced the closing of all three universities. The Government's reaction was notably mild, with no police or military action and no public threats of expulsion or retaliation against the ringleaders. Universities remained closed in December, and no official announcement was made as to when they might reopen.

Critics have charged, and the PNDC Chairman has publicly admitted, that fear of government reaction has led to the creation of a "culture of silence" in Ghana. When Professor Adu Boahen, speaking in February on the "culture of silence" at the annual Danquah Lecture Series, openly criticized government policies and officials, he was subjected to blistering attacks in the media (while his views went unreported) and was the reported target of military harassment. On a different plane, the Government closed all video houses in September 1988 because of the allegedly corrupting effects on the morals of youth of many of the videotapes shown, and it created a censorship board to pass judgment on the content of videotapes.

b. Freedom of Peaceful Assembly and Assocation

There are no constitutional guarantees of freedom of assembly and association, but individuals generally are free to join together formally or informally to promote benevolent or nonpolitical causes. Ghana has many private religious, social, and cultural organizations which are allowed to organize and gather with a minimum of legal or informal restrictions. Permits are required for public meetings or demonstrations, but these are routinely granted except when they have an overtly political purpose.

Political parties are banned in Ghana, and meetings to organize such parties are prohibited. The Government barred persons with close ties to the old parties from running as candidates for election to the district assemblies.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state-favored religion and no restriction on the exercise of religion. Organized religious groups may establish places of worship, train their clergy, and participate in charitable activities. Ghanaians are predominantly Christian, and many senior government officials are practicing members of

various Protestant sects or Roman Catholicism with no particular advantages or disadvantages attached to membership.

The PNDC encourages religious communities to support its economic and social policies. It has been sensitive to church criticism of Ghana's human rights record, and in 1987 Chairman Rawlings renewed the charge that worldwide church and Christian organizations may be havens for foreign spy networks. Foreign missionary groups operate throughout the country with a minimum of formal restrictions, although some foreign missionaries find obtaining visas is becoming more difficult. Foreign evangelists have come under criticism. Religious groups such as the Jehovah's Witnesses, which advocate refusal to recognize Ghanaian symbols of authority, have been strongly criticized by the Government. In addition, some local congregations have been closed down by the Government because of excesses deemed offensive "to the morals of the average Ghanaian."

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Ghanaians and foreigners are free to move throughout Ghana without special permission. Police checkpoints exist countrywide, allegedly for the prevention of smuggling, but are less obtrusive than in the 1982-84 period. Roadblocks and car searches are still a normal part of nighttime travel in Accra.

As members of the Economic Community of West African States (ECOWAS), Ghanaians may travel without visas for up to 90 days in member states. Ghanaians are generally free to exercise this right, and nationals of other member states are free to travel to Ghana. Ghanaians are also free to emigrate or to be repatriated from other countries. If a person is considered a security threat, special permission to travel outside Ghana must be obtained.

There is no forced resettlement of populations. Unregistered refugees from the Sahelian drought in neighboring countries remain in Ghana, and efforts to settle these basically nomadic peoples have had only limited success. The Government launched "Operation Cowleg" in 1988, aimed at forcing alien herdsmen across the border by a certain deadline or suffer confiscation of their herds, which were blamed for damaging irrigation channels and denuding the land. The operation was claimed to be successful, although the problem may still persist. The Government has not established policies to deal with the roughly 150 refugees registered with the United Nations High Commissioner for Refugees, but they do not constitute a significant problem.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Chairman Rawlings and the PNDC exercise total executive, legislative, judicial, and administrative power in Ghana. There is no procedure by which citizens can freely and peacefully change their laws, officials, or form of government. The National Commission for Democracy (NCD) was established in 1984 to design new "democratic" structures which would establish the legitimacy of the PNDC.

In December the first elections since 1979 were held in Ghana to establish district assemblies in four regions. Elections

for district assemblies in the remaining six regions were scheduled for January and February 1989. No plans have been announced for regional or national elections. All national and regional officials are appointed by the PNDC.

Women are officially encouraged to play a greater role in the political and social development of Ghana, and several women hold prominent supporting positions in the PNDC.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to charges concerning its human rights practices, which it stoutly defends. In September a prominent government official attacked letter writers on human rights cases in Ghana as well-intentioned but ill-informed and singled out Amnesty International (AI) for specific criticism. The PNDC is particularly critical of charges from human rights groups in the West that it lacks a democratic structure, arguing that Western-style democracy has repeatedly failed in Ghana and that the current system involving "participatory democracy" through CDR's and other mass organizations has more "grassroots" support and is more broadly democratic than previous Ghanaian governments.

No foreign human rights organization has asked recently to conduct any investigations in Ghana. There are no known locally organized human rights groups currently operating in Ghana, but several other organizations--most notably the Ghana Bar Association--attempts to address human rights issues from time to time.

The Government cooperates with the International Committee of the Red Cross, and there is a chapter of AI in Ghana. In September 1988, Ghana was host to a meeting of the International Federation of Women Lawyers, which addressed human rights in Ghana. However, as far as is known, no other representatives of international human rights organizations visited Ghana in 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although ethnic differences are intentionally downplayed by the Government, occasional charges are aired that the PNDC and the political leadership are dominated by members of the Ewe ethnic group. Chairman Rawlings and a number of his close advisors are Ewe.

The Government has made a concerted effort to raise the status of women in Ghana. In 1985 it promulgated four laws which overturned many of the discriminatory customary, traditional, and colonial laws; these concerned family accountability, intestate succession, customary divorce registrations, and the administration of estates. Women in urban centers and those who have entered modern society encounter little apparent bias, but role pressures persist. Women in the rural agricultural sector remain subject to stronger constraints associated with the traditional mores of male dominance.

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Section 6 Worker Rights

a. The Right of Association

The PNDC has not interfered with the right of workers to associate in labor unions. Trade unions in Ghana and their activities are still governed by the Industrial Relations Act (IRA) of 1958, subsequently amended in 1965 and 1972. Organized labor in Ghana is represented by the independent Trades Union Congress (TUC), established in 1958. It consists of a national headquarters and 16 affiliated unions, representing a claimed total membership of over 700,000 workers in skilled and semiskilled trades. Union members elect their own leaders, and representatives of the affiliated unions elect the TUC leadership at quadrennial conferences, the most recent being in March. The TUC publishes its own newspaper. It is independent of government subventions and has publicly criticized the Government at times for its economic policies as well as its failure to adequately consult the trade union movement.

The right to strike is recognized in law and in practice, although the Government has on occasion taken strong action to end strikes, especially those which threaten interests it perceives as vital. Under the IRA, the Government has established a system under which it seeks first to conciliate, then arbitrate, disputes. Discussions have been under way for some time to replace this system with labor tribunals to arbitrate industrial disputes certified as deadlocked, but the Government has declared that establishment of labor tribunals must be part of a new, consolidated industrial relations act, which cannot be implemented piecemeal.

The TUC represents Ghanaian workers in the meetings of the International Labor Organization (ILO) and is affiliated to the Organization of African Trade Union Unity (OATUU). Consistent with OATUU guidelines, it maintains no other international affiliations, although it has friendly relations with other international labor organizations, including the International Confederation of Free Trade Unions and the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

The right to organize is generally respected, although civil servants are prohibited by law from joining or organizing a trade union. The TUC is a large, well-established union organization whose membership has shown little growth in recent years, largely due to a stagnant economy which has produced few new jobs. Ghana's trade unions engage in collective bargaining for wages and benefits with both private and state-owned enterprises, though in the latter category the threat of detention (a common practice in the early 1980's) hangs over union leaders to force agreement on issues. At the end of 1988, no union leaders were under detention for union-related activities. There are no functioning export processing zones in Ghana, and labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Ghanaian law prohibits forced labor, and it is not known to be practiced.

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d. Minimum Age for Employment of Children

Labor legislation in Ghana sets a minimum employment age of 15 and prohibits night work and certain types of hazardous labor for those under 18. In practice, child labor is prevalent, and young children of school age can often be found during the day performing menial tasks in the market or collecting fares on local buses. Enforcement of minimum age laws is uneven, especially since local custom and economic circumstances favor children working to help their families. Violators of regulations prohibiting heavy labor and night work for children are occasionally punished.

e. Acceptable Conditions of Work

Minimum standards for wages and working conditions are established through a tripartite committee composed of representatives of government, labor, and employees. It establishes a minimum wage rate, and other salaries are adjusted accordingly. Effective January 1987, the minimum wage was increased 25 percent to $0.50 per working day at current exchange rates. In early 1988, the TUC called for a "meaningful" national wage of not less than $4.00 per day. The existing minimum wage is insufficient for a single wage earner to support a family. In most cases, however, households are supported by multiple wage earners, some family farming, and other family based commercial activities. The tripartite committee was unable to agree on a cost-of-living study, and no minimum wage increase was mandated, although the TUC was authorized to enter into collective bargaining with private and state-owned enterprises anyway. The basic workweek in Ghana is 40 hours. Occupational safety and health regulations are in effect, and sanctions are occasionally applied to violators.

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General Lansana Conte leads a military government which assumed power in 1984 after the death of Sekou Toure. He inherited a 26-year legacy of mismanagement and leftwing authoritarianism. Since the military Government suspended the Constitution in 1984, the Military Committee for National Recovery (CMRN) and a military and civilian Council of Ministers rule through ordinances, decrees, and decisions issued by the President and various ministers. The 1965 Guinean Penal Code regulates treatment of prisoners, delegates authority to permit public assemblies, and provides some guarantees of personal liberties. Generally disregarded during the previous regime, the Code has increasingly been enforced by the CMRN.

Military and paramilitary forces number about 17,000 persons, with the army consisting of some 10,000 officers and soldiers. The 2,000-man national guard (Gendarmerie Nationale), a police force, and a well-armed presidential guard share in providing internal security.

Eighty percent of Guinea's population of 7 million is dependent on subsistence agriculture, with per capita annual income estimated at barely $300. The country relies largely on mineral resources, mainly bauxite, but also diamonds and gold, for export income. Under President Conte, Guinea has been attempting to create an economic environment conducive to private enterprise and free market activity. Its comprehensive economic reform program has diversified the small salaried work force and made it less dependent on public service jobs primarily through the creation of producers' associations and cooperatives, and by promoting foreign investment. In the wake of reforms, the economy has occasionally been subjected to heavy inflationary pressures which early in the year led to protest demonstrations by university students and unemployed youth.

Despite the improvements since the fall of the Toure regime, human rights continue to be circumscribed in Guinea, especially in the political sphere. In particular, the secretive handling by the CMRN of those arrested and tried following the 1985 coup attempt against the Conte Government has left a residue of controversy and questions concerning their fate. At the end of 1987, the President moved to alleviate this situation by granting amnesty to 67 persons who had been imprisoned in 1984 and 1985 for association with this coup attempt or with the previous Toure regime; an additional 39 persons were released on October 2, 1988. Others detained after the 1985 coup attempt remain unaccounted for. The Government in 1988 publicly stressed its commitment to work toward "a government of laws," encouraged the teaching of human rights in African schools by hosting an all-African seminar on this subject, and promulgated a new work code to further worker rights with the help of the International Labor Organization (ILO).

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reports of politically motivated disappearances. However, there is still uncertainty about the fate of some military officers who disappeared after their arrest following the 1985 coup attempt.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The military Government has denounced the human rights atrocities of the former Toure dictatorship and seeks to enforce provisions of the 1965 Penal Code which forbid torture and abuse of authority. Mistreatment of prisoners continues, largely a result of poor discipline among guards, but is not condoned by the Government. In the case of those arrested after the 1985 coup attempt, the Amnesty International (AI) 1988 report indicates that the authorities may have used torture and other forms of duress to extract statements which were subsequently used against these persons in secret trials.

Prison conditions remain squalid. The Government is attempting to implement judicial and prison reforms to help alleviate these conditions. For example, in August it announced a project to renovate the Conakry central prison.

d. Arbitrary Arrest, Detention, or Exile

A suspected criminal can be detained incommunicado until the arresting authority has completed a preliminary investigation and has the right to counsel only after first appearing before a judge. A system of bail for those accused of less serious crimes, as defined by the presiding judge, is available at the judge's discretion. Despite presidential admonitions and campaigns in the government-owned media against corruption and harassment of citizens by paramilitary elements, there have been isolated incidents of extortion through arbitrary detention.

Political detainees, such as those held after the 1985 coup attempt, have been held incommunicado for extended periods of time. About 10 university students were held without counsel for a few days after disturbances at the University of Conakry in January.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Guinean Penal Code contains provisions on the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of accused to counsel and to appeal a judicial decision, and amnesty. The judiciary has courts of first instance, or justices of the peace, at the local level and two courts of appeal (one in Kankan, one in Conakry). The Court of Annulment is the Guinean court of last appeal. A Special Court of State Secrity was created in 1985 to try those allegedly involved in the July coup attempt. There is also a military court system.

There is a parallel system of justice at the village or urban neighborhood level where litigants present their civil case before a village chief, neighborhood chief, or council of wise men for judgment. Justice is not enforced uniformly, however. For example, in urban areas, burglars, if caught,

are sometimes beaten to death by victims and their neighbors with the tacit approval of police authorities.

The Government's handling of those arrested for their alleged involvement either with the former Toure regime or the July 1985 coup attempt has been the subject of much criticism by human rights organizations. About 70 civilians imprisoned in 1984 and 1985 were later tried and sentenced in secret proceedings before the Special Court of State Security. Likewise, about 130 military personnel were tried and sentenced in secret before the Military Court for involvement in the July 1985 coup attempt. Much of the information concerning the arrest, interrogation, detention, trial procedures, sentencing, and release of prisoners under the jurisdiction of these Courts has never been made available. AI's 1988 report states that none of the defendants were ever informed the trials were taking place and that they were represented by legal counsel who never consulted them. For most of the accused, the Government announced the sentences only in May 1987. Presidential amnesties on December 31, 1987, and on October 2, 1988, released 106 persons (including 79 military). The fate of the remaining persons was unknown at the end of 1988, but it was widely believed that many of the announced death sentences had been carried out summarily shortly after the suspects were arrested.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government stresses traditional family values and the inviolability of the home. In general, the military Government is less willing than the previous regime to abuse police powers, although some unwarranted interference in citizens' lives continues, mainly through individual police harassment related to extortion. Though not officially sanctioned, some mail and telephone calls are subject to monitoring.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The Government has publicly stated that it supports free speech and press. President Conte asked the Guinean press in April to exercise more independence and especially avoid contrived praise of himself or his Government. However, the Government owns and operates the news media, and reporters, who are government employees, practice self- censorship. There was more investigative reporting in 1988, but no criticism of the senior levels of government or established policies.

The Guinean Penal Code also contains numerous restrictions on speech and press freedoms; for example, the Code requires authors to indicate name, profession, and place of residence on every article published. This regulation is not fully implemented at present; at most only the name of the author is given, and some articles are unattributed. Publications which incite crime or are contrary to good morals are prohibited, as are insult, defamation, and libel. Citizens do not generally feel free to express public criticism of the Government, but some groups, operating for the most part abroad, have expressed criticism in clandestinely published and distributed tracts. The Ministry of Information, Culture and Tourism continues to act both as administrator and censor of media

services. Many foreign publications circulate freely in Guinea, including some critical of the Government, and no attempt is made to interfere with foreign radio broadcasts.

b. Freedom of Peaceful Assembly and Association

Public gatherings can take place only with the approval of the Government. The Guinean Penal Code bans any meeting which has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government encourages the formation of nonpolitical professional organizations and their numbers continue to increase.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Guineans generally enjoy religious freedom and tolerance for the larger religious groups. Missionaries may proselytize in Guinea. Although an estimated 85 percent of the population is nominally Muslim, there is no official state religion. The Government observes both major Christian and Muslim holidays. There have been some signs of intolerance of smaller sects, however. In July 1988, the Government established an interministerial commission charged with drafting "a comprehensive report on the measures that should be taken to put an end to the proliferation of religious sects." No report had been issued at the end of 1988. In 1987 the Government denied the Baha'is authorization to procure land and build a Baha'i center in Conakry. Several other organizations, both religious and secular, have faced similar problems in obtaining building permits.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Guineans are free to move about the country and to change place of residence and work, although in practice they face some harassment by police and military at unauthorized roadblocks, particularly at night. It is common for individual citizens to pay bribes to avoid police harassment. The number of police patrols and checkpoints increased in 1988, in part to counter drug-related crime and juvenile delinquency. Foreign travel for Guinean citizens involves considerable delay to obtain a passport and required exit visas.

The Government has restricted the freedom of movement of individual citizens for political reasons. For example, the 67 persons who were granted amnesty at the end of 1987 were restricted to their area of origin upon their release from prison. That restriction has gradually been relaxed in many cases and left to the discretion of local prefects. The Government has encouraged Guinean expatriates, including former exiles of the Sekou Toure regime, to return home. There are still significant numbers of Guineans living in neighboring African countries and in France.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Guinea has had no long-term experience with democracy since independence, and citizens are unable to change their government under democratic procedures. The military

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Government suspended the Constitution and banned political parties and formal political activity when it took power in April 1984. In 1988, however, the Government established a constitutional commission whose mandate is to draft a constitution by the end of 1989. Decentralization remained a major theme in 1988, and the Government continued to strengthen local government advisory bodies at the village level in rural areas. Nonpartisan elections at the subprefecture level have taken place in most parts of the country for selection of officials responsible for local development projects and other community services. These officials complement the subprefects, prefects, and provincial governors appointed by the President.

While there are no women in the CMRN, women do hold cabinet posts, ambassadorships, judicial positions, and other high level government positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In 1987 senior government officials, including the Minister of Justice and the President of the State Security Court, received AI representatives seeking information about the secret trials. It is not known what the Government's response was, if any, to AI's memorandum submitted in December 1987 expressing its concerns about the trials and proposing measures to uphold human rights. The Government permits a local affiliate of AI to operate.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

While racial or ethnic discrimination is prohibited by the Penal Code, ethnic identification is still very strong in Guinea and mutual suspicion affects relations across ethnic lines within and outside the Government. The Soussou ethnic group, to which President Conte belongs, tends to predominate at the highest, most influential levels. However, there are currently no major ethnic disputes, and government policy is to include representatives of all major ethnic groups in the Government. The Government repeatedly urges Guineans to think of themselves as a nation and not as members of ethnic groups.

In rural Guinea, opportunities for women are limited by custom and the traditional demands of subsistence farming. Even in urban areas Guinean women lag behind in school enrollments and in employment opportunities. Nevertheless, in addition to progress in government service, women are well-represented in music, dance, sports, and business throughout the country. The Government has affirmed the principle of equal pay for equal work, but in practice women receive less pay than men in most jobs.

Section 6 Worker Rights

a. The Right of Association

Guinea's new Labor Code, drafted with the assistance of the International Labor Organization (ILO) and promulgated in January 1988, states all workers have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. The Code also provides that workers have the right not to be a member of

such organizations. Further, it stipulates that a union must be independent of political parties to be recognized as representative of workers. The Code requires elected worker representatives for any enterprise employing 25 salaried workers. The Code also grants salaried workers the right to strike 10 days after their representative union makes known their intention to strike.

The ILO Committee of Experts has commended the Government for its new labor code; however, it has also noted that discrepancies remain between the relevant ILO Convention and legislative provisions that permit only workers of Guinean nationality to be elected as trade union officers and that provide for the establishment of compulsory arbitration.

In practice, most salaried Guineans--many of whom are civil servants--are affiliated with the country's sole trade union central, the Guinean National Labor Confederation (CNTG), which has close ties to the Government. The CNTG is affiliated with the Organization of African Trade Union Unity and maintains relations with recognized regional and international bodies, including the ILO. Private sector workers may strike only with the permission of the CNTG board, a requirement which reduces the likelihood of strikes. The Government has dealt sternly with wildcat strikers in the past, including banning those in the public sector from further government employment.

b. The Right to Organize and Bargain Collectively

Under the new Code, representative workers' unions or union groups can organize in the workplace and negotiate with employers or employers' associations. Union delegates are to represent individual and collective claims and grievances before the employer. Work rules and work hours established by the employer are to be developed in consultation with union delegates. Individual workers threatened with dismissal or other sanctions have the right to a hearing before the employer with a union representative present. Employers must give advance notice of any plan to reduce the size of their work force for economic reasons.

In practice, CNTG representatives take the lead in labor-management talks. Collective bargaining has taken place, most notably in 1986 when the CNTG concluded an agreement with the mining companies, and again in 1988 when bank employees collectively bargained for substantially higher salaries. Labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is not practiced in Guinea, and Article 2 of the Labor Code specifically forbids it. The ILO Committee of Experts has noted the Government's stated intention to revise or repeal various laws that have become obsolete so as to bring them into compliance with ILO conventions on forced labor.

d. Minimum Age for Employment of Children

The minimum age for employment in practice as well as in the new code is 16 years of age. Apprentices, however, may be as young as 14 years old. Workers and apprentices below age 18 are not permitted to work at night or more than 12 consecutive

hours or on Sundays. According to the Labor Code, the Minister of Labor must maintain a list of occupations in which women and youth under age 18 may not be employed. Enforcement of these provisions outside of the modern sector of the economy however tends to be erratic, particularly in rural areas.

e. Acceptable Conditions of Work

The Government has not yet enacted minimum wage legislation, but the Labor Code provides for the eventual establishment by decree of a guaranteed minimum hourly wage. There are also provisions for overtime and night wage rates, which are fixed percentages of the regular wage. Wages currently paid the average worker in the public sector are generally not sufficent to provide a decent standard of living. According to the Code, regular work is not to exceed 10 hours per day nor 48 hours per week, with a 40-hour workweek being the norm. The minimum weekly day of rest must be 24 consecutive hours, usually on Sunday. Every salaried worker has the right to an annual paid holiday accumulated at the rate of at least 2 1/2 workdays per month of service. Several articles of the Code provide for safe working conditions and the continued good health of workers. These as yet represent the goal rather than the practice.

GUINEA-BISSAU

The Republic of Guinea-Bissau has been a one-party constitutional state since May 1984, when the provisional government, established after the 1980 coup d'etat, was abolished. General Joao Bernardo Vieira serves as President of the Council of State and Head of State, Commander-in-Chief, and General Secretary of Guinea-Bissau's sole political party, the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). According to the 1984 Constitution, the National Assembly decides fundamental questions of internal and external policy, but it meets infrequently. Effective power and day-to-day control rests in the hands of the President and the Council of State. Although the President is the most powerful member of the Council, decisionmaking is collegial rather than autocratic. The party selects all candidates for office.

The armed forces (FARP) are responsible for state security, both external and internal. FARP leaders are usually members of the PAIGC and often hold key positions in the Politburo or Central Committee. Persons accused of political crimes are tried by military tribunals.

Guinea-Bissau remains one of the world's least developed nations and depends upon foreign aid for its survival. The Government's postindependence efforts to exercise central control over the economy resulted in chronic shortages of most basic commodities, high unemployment, and a weak national currency. Beginning in late 1986, the Government launched a new series of reforms to promote long-term economic growth by shifting from a state-run centralized economy to a free market system. While the reforms resulted in strong growth of the private sector and improved agricultural production, inflation remained high, and urban residents witnessed a sharp drop in their standard of living and purchasing power.

There was little change in the human rights situation in 1988. In March the Government released its most prominent political prisoner, Raphael Barbosa, cofounder of the PAIGC, on humanitarian grounds. Approximately 40 men remain imprisoned on an island in the Bijagos Archipelago. Most of these prisoners are serving sentences for complicity in an October 1985 plot to overthrow President Vieira. There have been no executions in Guinea-Bissau since six leaders of the 1985 plot, including former Vice President Correia, were executed in July 1986.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killing.

b. Disappearance

There were no known cases of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits cruel and inhuman punishment. However, security authorities employ severe interrogation

methods, and Amnesty International (AI) has, in the past, received allegations of the use of torture in security cases and deaths in custody due to mistreatment. Prison conditions are unsanitary, and prisoners' families must routinely bring them food and medical supplies to supplement scanty rations.

d. Arbitrary Arrest, Detention, or Exile

Arrests in Guinea-Bissau are frequently arbitrary, as arrest procedures are undefined and the use of arrest warrants is the exception rather than the rule. The legal system, inherited from the Portuguese colonial regime but modified by the Constitution, includes important procedural rights, such as the right to counsel and the right to a judicial determination of the legality of detention. Bail procedures are observed erratically. The Government has held persons, sometimes for extended periods of time, without charge or trial, including in incommunicado detention. For example, several years ago the Government briefly detained without charge members of the Yanque-Yanque movement, on the grounds the group's activities, which included mutilation of members in initiation ceremonies and killing enemies, posed a danger to society.

In August 1987, AI submitted a memorandum to the Government detailing its concern about the long-term detention without trial of suspected government opponents and allegations of torture and ill-treatment of detainees. One of Amnesty's concerns was the case of Raphael Barbosa. In March the Government released Barbosa from a prison camp on the island of Formosa. Barbosa had been serving a life sentence for having collaborated with Portuguese secret security police during Guinea-Bissau's independence struggle.

The Government has legal authority to exile prisoners but has not done so in recent years. Conscientious objectors are not exempt from military service.

For regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Traditional law still prevails in most rural areas, and many urban dwellers continue to bring judicial disputes to recognized traditional counselors. The official judicial system is based on the Portuguese model, with some exceptions. Intervals between arrest and trial are often lengthy. All defense lawyers are court appointed, as private legal practice is prohibited. The judiciary is a part of the executive branch. Trials involving state security usually are not open to outside observers and are conducted by military tribunals. FARP members are tried by military courts for all offenses.

The Supreme Court is the final court of appeal for both civilian and military cases except those involving national security matters, in which instance the Council of State reviews all decisions. The 1986 treason trials of 56 accused conspirators took place before the Superior Military Tribunal, the highest military court. The 12 persons sentenced to death appealed to the Council of State for clemency and, as a result, 6 had their death sentences commuted to 15-year prison terms. Of those convicted in the 1986 trials, an estimated 40 men remain incarcerated at a prison labor camp on an island in the Bijagos Archipelago. Although isolated from outside observers, the prisoners reportedly are able to move about the island and are responsible for growing much of their own food.

GUINEA-BISSAU

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Constitutional guarantees of the inviolability of domicile, person, and correspondence are not generally respected in cases of serious crimes or state security. The use of search warrants, for example, is rare. International and domestic mail is subject to surveillance and censorship.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of intellectual, artistic, and scientific expression, with the significant exception of cases in which these rights are exercised in a manner "contrary to the promotion of social progress." In fact, the Government controls all information media and views the press as a vehicle of the party. Journalists are government employees and practice self-censorship. However, the media is permitted to criticize and question some policies, although it may not criticize individual officials.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and government approval is not required for peaceful, nonpolitical assemblies and demonstrations. However, all existing organizations and associations are linked to the Government or the party, including the sole labor union, the National Union of the Workers of Guinea-Bissau (UNTG), and antigovernment meetings are not tolerated.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Religious freedom is provided for in the Constitution and has been respected. Christians, Muslims, and animists worship freely, and proselytizing is permitted.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are allowed to move freely throughout Guinea-Bissau. Foreign travel is not restricted, nor is citizenship revoked for political reasons. Thousands of persons have emigrated for economic reasons. Return of expatriates is encouraged, although the 1986 deaths of two opposition members in a car accident during their forced repatriation from Senegal convinced some government opponents that they would not be welcomed back to Guinea-Bissau. While sympathetic to the principle of asylum, Guinea-Bissau does not host significant numbers of refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability peacefully and legally to change the Government or the form of government. Guinea-Bissau is led by the PAIGC party and military elite, headed by President Joao Bernardo Vieira. By the terms of the Constitution, all political activity takes place within the

party/state structure. The 1984 electoral slates for the National Popular Assembly at the district, regional, and national levels were party-prepared lists. The President, members of the Council of State, and National Popular Assembly deputies are elected to 5-year terms. There are provisions for constitutional amendments and national referendums to be initiated by the National Popular Assembly, but the Assembly has never taken such an initiative. No single ethnic group dominates party or government positions, but Papel and Creole (mixed-race) groups, predominantly located in and around the capital of Bissau, are disproportionately represented in the Government. Women have legal equality with men and hold some influential jobs within the party and the Government. The current Minister for Labor and Social Security and the President of the National Assembly are both women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although international human rights groups have visited Guinea-Bissau, their visits have always been tightly controlled. The Government invited an AI mission to visit in 1986. AI delegates held discussions in June 1986 with President Vieira and many other officials and attended one session of the treason trial. The Government's response, if any, to AI's 1987 memorandum on human rights has not been made public. There are no local human rights groups in Guinea-Bissau.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The population of Guinea-Bissau comprises diverse tribal groups, each with its own language, customs, and social organization. The Fula, Mandinga, Balanta, Manjaca, and Papel are important groups. Creoles enjoy an advantageous position within the society, due to their generally higher level of education and their links abroad. Although the President and other influential leaders regularly urge the nation to overcome ethnic differences, economic dominance by Creoles (and to a lesser extent Fulas) has created resentment among other ethnic communities. Most of the defendants in the 1986 treason trial were members of the Balanta, the largest ethnic group (30 percent).

Discrimination against women, while officially prohibited, continues within certain ethnic groups, especially the Muslim Fulas and Mandingas of the North and East. Among those groups female circumscision is still practiced, despite official prohibition and educational campaigns against this custom. Women enjoy higher status in the societies of the Balanta, Papel, and Bijagos groups living mainly in the southern coastal region.

Section 6 Worker Rights

a. The Right of Association

Approximately one-half the population of Guinea-Bissau is of working age. While the Constitution provides for freedom of association, only one labor union, the National Union of the Workers of Guinea-Bissau (UNTG), is organized in Guinea-Bissau. With strong ties to the PAIGC, the UNTG more closely resembles a mass organization than a union. The UNTG has

neither aggressively nor effectively promoted worker rights. The UNTG is affiliated with the Communist-controlled World Federation of Trade Unions and is a member of the Organization of African Trade Union Unity. Strikes, while not specifically forbidden, do not occur. Since the Government's use of force to disperse students attempting to strike in 1981, the public's perception has been that strikes, like antigovernment meetings, would not be tolerated.

b. The Right to Organize and Bargain Collectively

Of the 25,000 salaried workers in the country, approximately 60 percent are employees of the Government. Only 4,000 persons comprise Guinea-Bissau's small manufacturing sector. The scarcity of salaried jobs has forced employees to focus on obtaining and keeping employment rather than on organizing and bargaining. While public employees are permitted to join the UNTG, the union's activities do not encompass organizing employees (whether public or private) for the purpose of collective bargaining. The Constitution and labor laws do not provide a right to organize and bargain, and, at present, the right is neither protected nor practiced. There are no export processing zones in Guinea-Bissau. Labor laws are applicable throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Guinea-Bissau.

d. Minimum Age for Employment of Children

The Government in 1987 approved a new labor code which set a minimum age of 14 for general factory labor and of 18 for heavy or dangerous labor, including all labor in mines. In an overwhelmingly rural and agricultural society, traditional division of labor practices both between sexes and age groups continues to prevail. Children in all rural communities work in the fields and at home for no pay. The Government does not attempt to discourage this practice and, in fact, delays the opening of schools until the rice season has ended.

e. Acceptable Conditions of Work

Even in the small wage sector, labor laws are ill-defined and unevenly enforced, due primarily to the extreme economic underdevelopment of the society. However, there are government regulations covering such matters as job-related disabilities and vacation rights. The normal workweek is 35 hours. Although not consistently enforced, a minimum wage of approximately $11 per month has been established by the Ministry of Civil Service, Labor and Social Security. That wage is inadequate to maintain even a minimum standard of living. Existing legal health and safety standards for workers are not enforced in a uniform and comprehensive manner.

KENYA

Although Kenya has had an elected civilian government since independence in 1963, it has been a de facto one-party state almost since independence and a de jure one-party state since 1982. President Daniel T. arap Moi maintains firm control over both the Government and the party, the Kenyan African National Union (KANU). KANU membership is a prerequisite for participation in national political affairs. The popularly elected National Assembly of 202 members (including 12 appointed by the President and 2 ex officio members) has little genuine power in national political affairs. Its role is generally limited to local and regional issues and in affirming the President's initiatives. President Moi was reelected unopposed to a third 5-year term in 1988.

The Kenyan armed forces constitute a small professional establishment with a total strength of 22,500 members. Kenya has an internal security apparatus that includes the police Criminal Investigation Division (CID), the paramilitary General Services Unit (GSU), and the Directorate of Security and Intelligence (DSI or Special Branch). The CID and Special Branch are used to monitor and control people whom the State considers subversive. The Preservation of Public Security Act sanctions indefinite detention without charge or trial in security cases, and the courts have upheld the constitutionality of properly executed actions taken under the authority of that Act.

Kenya's modern, market-oriented economy includes a well-developed private sector for trade and light manufacturing as well as an agricultural sector that provides food for local consumption and substantial exports of coffee, tea, and other commodities. In 1988 a continued decline in world coffee prices exacerbated a balance of payments problem. Economic growth continued, but a persistently high population growth rate contributed to a serious and growing problem of unemployment. Kenyans are free to engage in private economic activity and own property without government interference.

In 1988 there were several important developments adversely affecting the human rights situation. In the spring, two-stage parliamentary elections took place amid much controversy over the public queuing system (voters must publicly line up behind photographs of their candidate) used in the key primary (party) election and charges of fraud in some races. The electoral outcome further strengthened executive branch and central party control over the legislature. In August the new National Assembly unanimously and speedily passed two presidentially supported constitutional amendments which further increased the President's power by giving him authority to fire senior judges and members of the Public Service Commission and expanded police authority to detain without charge suspects in capital crimes up to 14 days (previously 24 hours). The President and his advisers staunchly defended these changes as necessary to maintain a "rule of law." Critics charged that they seriously undermined the independence of the judiciary and invited increased police mistreatment of detainees. In a more positive vein, by contrast with 1986-1987 when more than 70 persons suspected of belonging to the illegal dissident group, Mwakenya, were convicted and sentenced amid reports of police abuse, there were 9 publicly confirmed security convictions in 1988. As of December 1988, 7 Kenyans were

being detained without charge under the Preservation of Public Security Act, as compared with 12 Kenyans in detention in December 1987.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political Killing

Violence among supporters of rival candidates in several areas of Kenya during the 1988 election campaigns resulted in approximately 5 deaths nationwide.

By the end of 1988, no officials had been held responsible for the 1986-1987 deaths in custody of two Mwakenya suspects. In a January ruling, a magistrate stated he believed Peter Karanja had been tortured and referred the matter to the Attorney General's office for further investigation. A similar case involving the death of Stephen Wanjema in 1986 had not been heard by the end of 1988.

b. Disappearance

Kenyan authorities frequently detain people, in some cases for prolonged periods, without allowing notification of families, friends, or lawyers as to their whereabouts and have even failed to acknowledge the detention when inquiries were made. For example, when Raila Odinga, a former detainee, was rearrested on August 30, his family inquired at Nairobi police stations as to his whereabouts but were given no information. On September 8, in response to a habeas corpus petition filed by Odinga's wife, authorities announced that he had been detained under the Preservation of Public Security Act, but they did not bring him to the habeas corpus hearing or inform his family where he was being held. As of the end of the year, neither his family nor his lawyer had been allowed to see him.

The 1987 habeas corpus case brought by the wife of a missing Kiambu farmer was dismissed in 1988. Police claimed thay had shot the man, a robbery suspect, while he was trying to escape, but they never produced the body for examination.

c. Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment

Although torture is proscribed under the Constitution, reports of torture and police brutality continued in 1988. Mistreatment of suspects is common and occasionally results in death. A number of Kenyans told the press they had been physically abused by the police, and in several 1988 cases, citizens presented evidence in court to that effect. Maina wa Kinyatti, a historian and university lecturer who completed a 6-year term for possession of seditious documents in October, held a press conference upon his release. Speaking with difficulty, a condition he attributed to more than 1 year in solitary confinement, he denied that he had ever been associated with Mwakenya, and described his mistreatment, including beatings, inadequate diet and medical care, confinement with prisoners who were insane, and being forced to perform exhausting and degrading exercises. In November Harris O. Arara testified in court that during his interrogation at CID headquarters he was starved for 5 days

and threatened with harsher treatment if he did not plead guilty to possession of seditious documents.

Although some police officers have been charged in connection with abuse of prisoners, no policeman has been convicted of such abuse in political/security cases. Apparently, no policemen were convicted of abuse in other types of cases during 1988. In Mombasa, two robbery suspects--a Kenyan and a Zairian-- died while in police custody. Five police officers were arrested in connection with the case, and two of these officers mysteriously died in the custody of their colleagues. A Mombasa magistrate ruled that "no particular police officer" was responsible for the death of the Kenyan suspect, but police officers were charged with the death of the Zairian suspect, and their trial was under way at the end of the year. In July two policemen in Kisumu were charged with murder, and in August two policemen in Eldoret were ordered to stand trial for allegedly murdering a farmer during interrogation. A closed hearing was held in January into allegations of torture of Wanyiri Kihoro, one of three detainees who remained in detention throughout 1988. Family members and the press were denied entry into the hearing. The court ruled that Kihoro had not been ill-treated. Two other cases involving similar allegations had not been heard by the end of the year. President Moi appointed a new police commissioner early in 1988 and charged him with cleaning up the police force, stating that police officers who committed illegal acts would be punished.

Prison conditions in Kenya are poor. Detainees and prisoners have complained of beatings, poor food, and inadequate facilities and medical care. Prisoners often must sleep on cold cement floors. The Preservation of Public Security Act allows for solitary confinement, with no contact with family or legal counsel, although in some cases lawyers and families have been permitted to visit detainees. Other prisoners (not detainees under the Preservation of Public Security Act) are allowed one brief visit per month by family members. Prison or security officers are usually present during visits by family members or lawyers. Correspondence with prisoners is monitored and occasionally not delivered.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that most arrested or detained persons shall be brought before a court "as soon as is reasonably practicable," and that if such person is not brought within 24 hours of his arrest or from the commencement of his detention the burden of explanation is on the authorities. The Constitution was amended in August to allow the police to hold people suspected of capital offenses for 14 days before being brought before a court. The Attorney General argued that this additional detention time was required to complete investigations, but many legal experts in Kenya and abroad denounced this change as an invitation to police mistreatment. Capital offenses include such crimes as murder and treason. In practice, suspects of all types are often held incommunicado for long periods before being brought before a court. In all nine of the security case convictions in 1988, the suspects were held incommunicado, some for up to 28 days before being brought to court.

The Preservation of Public Security Act allows the State to detain an individual indefinitely without charges or trial. A formal detention order must be signed and published in the

gazette. There is no judicial review of the legality of detention. Detention cases are reviewed by a board appointed by the President which meets in camera. The Government is not bound by this board's recommendations.

In February the President released 9 of 12 detainees held under the Preservation of Public Security Act, including Raila Odinga, who had been jailed in 1982 and was the longest-serving of the 9, and Israel Otiena Agina. The three who remained in detention--lawyers Mirugi Kariuki and Wanyiri Kihoro and university lecturer Mukaru Ng'ang'a, held since December, October, and July 1986 respectively--had earlier challenged the legality of their detention, hired legal counsel, and complained of torture and abuse. Subsequently, in August and September, the Government again detained Raila Odinga and Israel Otieno Agina on security grounds. In September Samuel Okumu Okwany and Richard Obuon Guya, two alleged members of the Kenya Patriotic Front (KPF), were detained under the Preservation of Public Security Act. As of December 1988, these 7 Kenyans remained in detention under the Act.

Neither exile nor threat of exile is used by the Government as a means of intimidation or punishment. Self-exile is a course of action sometimes chosen by Kenyan dissidents. In some cases, the Government states that these exiles are wanted for questioning for possible criminal charges in Kenya, although in most cases the exiles have not been formally charged with crimes. The Government has invited some of the exiles to return and publicly announced they would be safe in Kenya. One such exile returned in December 1987.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Kenya's legal system, as defined in the Judicature Act of 1967, is based on the Kenyan Constitution, laws passed by Parliament, and common law or court precedent. Customary law is used as a guide in civil matters affecting people of the same ethnic groups so long as it does not conflict with statutory law. Kenya does not have the jury system. The court system consists of a Court of Appeals, a High Court, and two levels of magistrates' courts where most criminal and civil cases originate. Civilians are tried in civilian courts, and verdicts may be appealed to the Kenyan High Court and ultimately to the Court of Appeals. Military personnel are tried by military courts, and verdicts may be appealed within the military system. Attorneys for military personnel are appointed on a case by case basis by the Chief Justice.

The President appoints the Chief Justice of the High Court, and he appoints other High Court judges with the advice of the Judicial Service Commission. The President also appoints the Attorney General. His power over the judicial system has steadily increased through constitutional amendments adopted in 1986 and 1988. Inter alia, these changes give the President a free hand in firing the Attorney General, the Auditor General, and High Court judges. Critics charged that these amendments further undermined the independence of the judiciary and the "rule of law." One High Court judge has already been removed since enactment of the new provision.

In cases involving the Preservation of Public Security Act, judicial authority is limited to ensuring compliance with

procedural provisions. In cases without political implications the right to a fair public trial is normally observed, although long delays and postponements are common.

The constitutional right to a fair public trial has been circumscribed in some instances, notably in political/security cases such as those involving alleged Mwakenya or KPF members. In 1987 at least 39 persons allegedly belonging to Mwakenya were brought to court and convicted. In 1988 there were nine convictions involving charges of membership in subversive organizations. In the first public prosecution in 1988 involving charges of membership in a subversive organization, Andrew K. Muigai was convicted in 20 minutes based on his confession and sentenced to 6 years' imprisonment. He was held for 21 days before being charged, was allowed no visitors before being brought to court, and had no legal counsel.

In September four persons were sentenced to 7 years' imprisonment for sedition in connection with membership in the KPF, an organization allegedly founded by self-exile Koigi wa Wamwere. All pleaded guilty to KPF membership and all were held over 2 weeks before being brought to trial, apparently without legal representation. In October one person was jailed for 5 years for possession of seditious documents and membership in Mwakenya. In the same month, former Member of Parliament Kimani wa Nyoike was sentenced to 20 months on a misdemeanor charge of failing to report an alleged coup plot to the Kenyan authorities. Harris O. Arara (see Section 1.c. above) was convicted in early November and sentenced to 2 concurrent 5-year sentences for possession of seditious documents. Jackson Maina was also sentenced in November to 2 years' imprisonment for taking an unlawful oath and being a member of Mwakenya. All but one of these cases followed a pattern that has raised serious questions about the fairness of most security trials: a long period of incommunicado detention, followed by a short unannounced trial in which the defendant, without legal representation, pleads guilty (thus precluding any appeal of the conviction, even if the guilty plea were coerced). Only the sentence may be appealed. Human rights organizations, such as Amnesty International and Human Rights Watch Committees, have criticized these trials as unfair. They have pointed to the fact that the defendants did not have advance notice of the trials and did not have legal representation. The large number of "confessions" in these trials is also cited as suspicious.

Members of the press usually attended and reported on courtroom proceedings. Some trials involving allegations of torture, however, were not public. In one instance, two American human rights observers were forced to leave a public inquest into the death in custody of Peter Karanja (see Section 1.a.). The men were held and questioned for 8 hours before release.

Kenyans do not have a right to legal counsel except in certain capital cases. In those cases, most persons tried for capital offenses are provided counsel free of charge if they cannot afford it. Recent instances in which the Government detained lawyers involved in sensitive cases and attacked the Law Society of Kenya, which criticized the constitutional amendments, could discourage vigorous legal representation in security cases. When the Chairman of the Law Society of Kenya asked the Attorney General to clarify press reports that a Kenyan had been convicted for failure to give a ride to a

local official (which is not a crime under Kenya's Penal Code), the President suggested publicly that the Attorney General should seek the arrest of the Chairman for "contempt of court." The conviction for failure to give a ride was later dismissed on appeal. An announcement by the Government in 1988 of its intention to require lawyers and other professionals to have licenses has raised fears that the system could be used to intimidate the legal community, as has the announcement that the Government would establish a commission to probe into the conduct of lawyers. Human rights groups have charged that Government intimidiation may also have discouraged family members of detainees from pursuing habeas corpus actions.

The harassment of Kenyan attorney Gibson Kamau Kuria, who served as legal counsel for several Mwakenya suspects, continued to attract wide international attention in 1988. He had been detained without charge in 1987, shortly after filing notices to sue the Government for illegal detention and torture on behalf of several clients, and was held for 9 months under the Preservation of Public Security Act.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Searches without warrants are allowed under the Constitution in certain instances "to promote the public benefit," including security cases. Security officials also conduct searches without warrants to apprehend suspected criminals or to seize property suspected to be stolen. Homes of suspected dissidents have been searched without warrants, as have the residences of foreign missionaries. Security forces reportedly employ a variety of surveillance techniques, including electronic surveillance and a network of informers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and press, the exercise of these rights is restricted. No criticism of the President is tolerated in any form. Human rights groups have criticized Kenya's sedition laws for failing to distinguish between violent and nonviolent opposition to the Government. They have charged that security detentions and prosecutions have sometimes been used to restrict the expression of peaceful dissenting views.

Parliament rarely debates national issues such as foreign policy. Even when the Government introduced important constitutional amendments in Parliament in mid-1988, there was no parliamentary debate, and the amendments were adopted without any opposing votes after less than 2 hours of discussion.

Government and KANU action against outspoken politicians, clergymen, and lawyers, as well as the detention provisions of the Preservation of Public Security Act, discourage public exchange of views on some political topics. Some churchmen who opposed government policies, including queuing and the recent constitutional amendments, were sharply criticized and subjected to investigations. In this connection, the magazine Beyond, published by the National Council of Churches of Kenya (NCCK), was banned in 1988 after publishing an issue that was critical of queue voting and the overall conduct of the KANU

nomination elections. The editor of the magazine, Bedan Mbugua, was convicted of improper financial management of the publication and given an unusual 9 month custodial sentence in August. As of December 1988 Mbugua was free on bail pending his appeal. The authorities also arrested several persons for possessing copies of Beyond, and two were given 2-year sentences. Other persons were convicted of possession of literature defined as seditious, including possession of a Mwakenya publication.

Privately owned newspapers and journals contribute importantly to the lively tradition of the press in Kenya. There is no systematic official censorship of the press, but officials of the newly created Ministry of National Guidance and Political Affairs (whose duties include censorship) have attacked publications they find objectionable. In March the Ministry condemned the Financial Review for an article criticizing the replacement of the Vice President and suggested the magazine might be banned. In December the editor of the Financial Review was held at CID headquarters for several hours of questioning regarding articles which had appeared in his magazine. Journalists practice self-censorship and keep commentary within usually understood but legally undefined limits. The press criticizes government policies and occasionally government officials, but it never criticizes the President. The Kenyan media gave good coverage of the 1988 elections, including the controversial queue voting issue.

At times the Government intervenes to tell editors how to handle sensitive stories. In separate instances during 1988, a cabinet minister ordered reporters to read back their notes for his approval, and a district officer in Kakamega warned journalists they would be arrested and beaten for publishing any stories about his district without his permission. (The latter was rebuked by higher officials.)

Newspapers, magazines, and books from abroad are readily available, although in 1988 several issues of international publications which contained articles critical of Kenya were not allowed normal distribution within Kenya. More than 100 foreign journalists representing western news organizations are based in Kenya. In 1988 the Government continued its attacks on this group for its coverage of Kenyan issues, e.g., the queue voting. It warned the public about speaking to foreign reporters. In one incident foreign journalists were briefly detained in Kisumu for attempting to film a burial service. In August a Kenya-based stringer for the British Broadcasting Corporation had her work permit canceled on leaving Kenya, but was later permitted to return to Kenya. The Kenyan authorities also require certification of union membership for foreign press accreditation in Kenya. In at least one instance in 1988, the lack of such union membership led to the denial of press credentials for an Associated Press reporter.

The single television and all radio stations are owned and controlled by the Government and reflect government policies in coverage of national and international events and issues. A 10-member television censorship board has established guidelines for what can be shown. A 10- to 12-member film censorship board under the Ministry of National Guidance and Political Affairs must approve all films shown in Kenya. A variety of foreign films is available, though in August the Government banned nearly 200 foreign films (most, if not all,

X-rated) on "protection of public morals" grounds. The films were not political.

There are no formal limits to academic freedom. While numerous books critical of the Government, such as the works by dissident self-exile Ngugi wa Thiongo, are available in Kenya, some writings on recent Kenyan history and politics have been considered sensitive, and the academic climate does not encourage writing on these topics. Eighteen publications that were prohibited in 1986 remain blacklisted. University professors were among those detained on security grounds.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, but it is limited by the Public Order and Police Act, which gives authorities power to control public gatherings, defined as meetings of three or more persons. It is illegal to convene an unlicensed meeting, and politicians have been arrested for violations of this Act. Although licenses to hold public meetings are rarely denied, in the preliminaries to the 1988 elections some politicians complained that they were not able to obtain a license, while government-favored candidates held rallies without licenses.

Freedom of association is generally allowed. With the important exception of civil servants, who are required to join KANU, Kenyans are not legally bound to join any political organization. Party membership, however, has become a form of loyalty test, even though the party and the Government emphasize that it is voluntary.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Kenya has no state religion. Freedom of worship is acknowledged in the Constitution and allowed in most cases. Foreign missionaries of many denominations are permitted to work in Kenya, although on occasion the President and other officials have publicly questioned the motives of certain missionaries and periodically warned foreign missionaries not to engage in politics. Several American missionaries, including the leader of the Church of Jesus Christ of Latter-day Saints, were questioned about their activities and cautioned that they could be jailed or expelled for holding illegal meetings. Although no foreign missionary was known to have been deported in 1988, some who had been targets of government criticism had to leave when their work permits were not renewed.

Churches new to Kenya must obtain government approval to be registered. The Church of Jesus Christ of Latter Day Saints is one group which has tried without success for 7 years to obtain registration. In 1987 another group, the Jehovah's Witnesses, were deregistered but continued in 1988 to hold services under a stay order from the high court. In March 73 Jehovah's Witnesses were picked up for holding an "unlawful assembly," detained briefly, and released. In 1988 the Associated Christian Churches of Kenya, an American-based missionary organization, was also deregistered.

There is no religious requirement for voting or holding office.

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Clergymen in Kenya have spoken out on political as well as religious issues from their pulpits. In 1988 senior officials sharply criticized certain clergymen, including Anglican bishops Alexander Muge and Henry Okullu, for making political statements. Twice in July, after charging that the administration had shown political favoritism in distributing relief supplies in West Pokot, worshipers were reportedly prevented from attending services where Muge was to preach. As noted, government officials also criticized the National Council of Churches of Kenya (NCCK), which comprises most of the Protestant denominations, and banned the monthly NCCK magazine Beyond after it ran an edition on election irregularities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In general, Kenyans can travel freely within the country, restricted only by provisions of the Preservation of Public Security Act, which limit the movement of persons considered dangerous to the public security. These provisions are rarely invoked. In one instance in July, Bishop Muge was reportedly prevented by local police from traveling to preach at a church.

Kenya does not prohibit emigration of its citizens, but on occasion does prevent citizens from traveling abroad. The Government sometimes refuses to return passports or issue new passports to people previously detained under the Preservation of Public Security Act. The Government does not regard the issuance of passports to citizens as a constitutional right and reserves the right to issue or deny passports at its discretion. In 1988 lawyer and former detainee Gibson Kamau Kuria was unable to get his passport back to visit the United States to receive a humanitarian award. The American Bar Association, the Lawyers' Committee for Human Rights, Human Rights Watch, and the Robert F. Kennedy Memorial had invited him to the United States to honor him for his legal representation of victims of human rights abuse. Kuria's wife and children also were unable to obtain passports to travel to the United States. One of Kuria's colleagues had his passport taken when he returned to Kenya after accepting the Robert F. Kennedy Memorial award on Kuria's behalf. Also in 1988, Nairobi businessman John Harun Mwau lost his court battle to regain his passport which was withdrawn in 1983. Charles Njonjo, a former Minister for Constitutional Affairs who lost his position and his passport in 1983, had his passport restored in 1988, and he traveled to the United Kingdom.

During 1988 there was no known instance in which citizenship was revoked for political reasons.

Kenya continues to accept refugees, despite its own high population growth rate and severe unemployment problems. The United Nations High Commissioner for Refugees estimates that in 1988 Kenya provided refuge to approximately 12,000 refugees, with more than 5,500 coming from Uganda. There are perhaps another 5,000 displaced persons not officially registered as refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Kenyan Constitution prohibits formation of any political party other than KANU, and President Moi and a small group of advisers control all major policy decisions within the

Government and the party. Citizens cannot, therefore, change the system of government or replace the party in power through the electoral process. Since 1964, when Kenya adopted a presidential system, the party's candidate for president has been unopposed. Moi was reelected in 1988 to a third 5-year term. Numerous candidates compete for party and parliamentary elections--also held every 5 years--but all candidates must be KANU members, and the national party headquarters must clear all candidates for political office.

In the 1988 national elections, 17 candidates failed to win KANU approval to stand for elections. Several others were informed that they could not run because they participated in a commission to redraw electoral boundaries. Some candidates claimed that they were physically prevented from filing their papers. Few of the parliamentarians who had questioned executive policy were returned to the Assembly. Ministers and other deputies who are expelled from KANU automatically relinquish their seats in Parliament. In July two members of Parliament from the West Pokot district who expressed support for Bishop Muge's criticisms of local administrators were expelled from KANU for engaging in activities which "disturbed peace and security." A government official who resigned his portfolio in December (to protest a KANU sub-branch election which he claimed was rigged) subsequently was expelled from the party and thus from his seat in Parliament.

For the 1988 elections, the party adopted a queuing system for electing KANU nominees, requiring voters to line up in public behind photographs of the candidates. Only those who had KANU membership cards were allowed to participate in the nomination process. Candidates who received 70 percent of the KANU vote were automatically elected without having to contest the general election. Over 60 candidates (out of a total of 188) were elected this way. KANU party members comprise at most two-thirds of the registered voter population. There was a low turnout in some areas.

The public nature of the queuing process caused some concern about voter intimidation, but others argued that secret ballots were also subject to abuse. Numerous claims of irregularities were made during the party primary. These included charges that vote counts were altered by the administrative authorities carrying out the elections and that supporters of some candidates were intimidated by beatings, kidnapings, and police detentions. In response to an appeal against the queuing process, a High Court judge ruled that the Court could not hear cases involving alleged fraud in the KANU elections as this would amount to interference with the internal affairs of KANU. Other appeals were directed to KANU President Moi, who allowed one queuing vote to be repeated.

Allegations of irregularities in the general election (by secret ballot) included unannounced early poll closings, misplaced ballot boxes, and failure to allow observation of ballot box closings. General election results may be appealed to the courts, and 25 losers formally did so. Such appeals are expensive, a fact which may have deterred some other losers. As of December 1988, none of the election appeals had been heard.

Members of all ethnic groups may run for office, and ethnic representation at the minister and assistant minister level is broad. Twelve of Kenya's ethnic groups are represented in the Cabinet. Seventeen ethnic groups, including one Caucasian,

are represented at the assistant minister level. There is one female assistant minister, and two women hold seats in the National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government rejects criticism of its human rights record and discourages Kenyans from providing outside human rights groups with information. In 1988 President Moi repeatedly attacked Amnesty International and other groups for meddling in Kenya's internal affairs. The President has accused certain groups, including lawyers, of being "agents of enemies of the country, such as Amnesty International."

In January 1988 the authorities took action against two American citizens who had come to Kenya to observe an inquest into the death of a Mwakenya suspect (see section 1.e. above). The two were ordered to leave the courtroom and were taken into police custody where they were held and questioned for 8 hours. One of these was a representative of the Lawyers' Committee for Human Rights. Neither was allowed to call the U.S. Embassy. The were told by security officers that Kenya did not recognize the right of foreigners arrested in Kenya to contact their embassies. (Kenya is a signatory to the 1963 Vienna Convention on Consular Relations.)

Several Kenyan organizations, such as the Law Society of Kenya, address issues related to human rights, but none focuses exclusively on human rights concerns. Kenya has not ratified the Organization of African Unity's Human and Peoples' Rights Charter, adopted in 1981 in Nairobi.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Kenya is a diverse country that does not practice legal discrimination on the basis of race, sex, religion, language or social status. Several intertribal clashes occurred in northern Kenya as in previous years. Women may own property and businesses but remain underrepresented in educational institutions, government, and business, despite the emergence of influential women in all these areas. Statistics on enrollment in Kenyan universities for the 1987/88 school year showed that female students represented 28 percent of the total enrollment. Traditional culture, rather than government policy, has long prescribed limited roles for women.

Women are a crucial element in the Kenyan labor force, especially in agriculture where they account for 75 percent of the total. Women are likely to retain this dominant role in agriculture for the near future, as there is a continuing migration of men to the cities in search of higher paying jobs. Women make up approximately 21 percent of the wage labor work force. They hold some 10 percent of the jobs in the traditionally male-dominated manufacturing sector, and 22 percent of the jobs in the finance and insurance sectors. Thirty percent of Kenya's education workers are women. In the modern sector, women frequently earn less than men for comparable work. There are women's groups in Kenya which attempt to educate and help women attain their full rights.

Polygamy is not legal for people married under the Christian Marriage Act, but it is permitted for those who marry under

African customary law. Kenya's Law of Succession, which governs inheritance rights, provides for equal treatment of male and female children (in contrast to much customary law which favors the eldest male child). Some Kenyan ethnic groups still practice female circumcision, although the Government has mounted a campaign against the practice and prohibits such operations in government hospitals.

The Asian community, numbering about 65,000, accounts for a disproportionate share of the nation's economic wealth and output. The Government's policy of Africanization of the economy has resulted in some Asian emigration. Kenya amended its citizenship law in 1984, depriving some Asians and Europeans of citizenship. Under present law, persons born in Kenya of non-Kenyan parents can no longer claim citizenship.

Section 6 Worker Rights

a. The Right of Association

Workers in Kenya, with one significant exception, enjoy the right of association as defined by the International Labor Organization (ILO). The Government, however, has a decisive role on some important labor issues. The one group which cannot organize is civil servants, whose union was disbanded by the authorities in the early 1980's. Since 1985 all civilservants have moreover been required to be members of the ruling KANU party. Other workers, according to law, can establish and join organizations of their choosing, make their own rules, elect their own leaders, join with other unions, and affiliate with international organizations. Union registration is controlled by a registrar in the Attorney General's office. In 1987, at the suggestion of a committee made up of representatives of the Ministry of Labor, the Central Organization of Trade Unions (COTU), and the Federation of Kenyan Employers (FKE), several unions were proposed for deregistration. In June 1988, the Government deregistered the Kenya Timber and Furniture Workers' Union. The stated purpose of these amalgamations was to eliminate unions which were too small to be financially viable and to avoid conflicts of jurisdiction.

COTU, which is Kenya's legally mandated trade union federation, is affiliated with the Organization of African Trade Union Unity and maintains relations, though not affiliation, with the International Confederation of Free Trade Unions (ICFTU). It sends observers to ICFTU and World Federation of Trade Unions meetings. Both COTU and the FKE participate in the ILO.

There are approximately 1.3 million wage earners in Kenya, out of an estimated 8-million-person work force. COTU has about 360,000 members and another 100,000 workers belong to the Kenya National Union of Teachers which is not part of COTU. COTU is strong in such areas as the docks, railroads, banking, and telecommunications, but weak in agriculture, by far Kenya's largest employment sector.

Though unions enjoy relative autonomy from the Government and the ruling party, there are limits. In July-August, when the head of the dockworkers' union was involved in an apparent conflict of interest between his union job and his private business interests, the Government and party called for his resignation. He resigned and was replaced in new union

elections. In September President Moi suggested that KANU study ways of affiliating COTU with the party.

Kenyan unions have the right to strike, but the nation's industrial relations machinery makes it almost impossible to do so legally. Unions are required to give notice of intent, register their grievances with the industrial court, and exhaust all possible avenues of resolution before striking. Consequently, most strikes are illegal, short-lived, and local. In 1987 there were 109 strikes with 93,749 workdays lost. Kenya's industrial court has a reputation for objectivity and is strongly supported by unions as well as employers.

b. The Right to Organize and Bargain Collectively

Labor laws apply uniformly throughout the country. Except for civil servants, Kenyan workers are free to organize and bargain collectively. The Government promotes voluntary negotiations between employers and workers' organizations, and the FKE actively cooperates. Both in law and in practice, union officials are protected against antiunion discrimination. There are no export processing zones in Kenya.

c. Prohibition of Forced or Compulsory Labor

Under the Chief's Act, a local authority can require the performance of limited communal activities for the benefit of the local community. While this provision is rarely invoked, the ILO Committee of Experts has called on the Government to bring this Act into conformity with the ILO Conventions on forced labor and has noted that discussions are at an advanced stage for the introduction of the necessary amendments. There are, however, a number of provisions in other legislation (e.g., Penal Code, Public Order Act, Prohibited Publications Order, Merchant Shipping Act, and the Trade Disputes Act) which the Committee has found to be inconsistent with the Conventions.

d. Minimum Age for Employment of Children

The legal minimum age for employment in mines, factories, transportation, and construction is 18. Kenyan labor law permits children under 18 to be employed in these occupations if they are family-run businesses and are not dangerous. There are no legal restrictions on child labor in agriculture where many younger people help out on family farms. Some children also are employed as servants. The Ministry of Labor has difficulty enforcing minimum age laws.

e. Acceptable Conditions of Work

Kenya's population, with an average growth rate around 4 percent, is expected to reach 24 million by the end of 1988 and to double by the end of the century. Urbanization has accelerated rapidly, although approximately 75 percent of Kenyans continue to live in rural areas, many as subsistence farmers. There is adequate legislation in the Factories Act to provide acceptable and safe working conditions for factories, the construction industry, and the docks, but its understaffed inspectorate is often unable to enforce compliance. The law contains inadequate safeguards for agricultural workers, especially in the use of potentially carcinogenic pesticides.

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The maximum legal workweek is 52 hours, but many workers put in longer hours. As an example, security guards, an important and growing sector, often work as many as 84 hours a week. Kenyan law provides for at least 1 rest day a week, paid sick leave, paid annual leave, and holidays. Abuses occur, especially among temporary workers (known as "casuals"), who make up at least 13.4 percent of Kenya's wage-earning work force.

The legal minimum wage varies according to occupation, age, and location. It ranges from about $15 per month for a rural, unskilled laborer under age 18 to about $85 per month for a cashier in Nairobi or Mombasa. The Government has had difficulty enforcing minimum wage requirements and many workers receive less than their due. Since most Kenyans do not receive wages for their work, they are not covered by minimum wage legislation. Many families eke out a decent living with one or more family members earning a wage while other members work as subsistence farmers.

There is a National Social Security Fund, administered jointly by the Government, COTU, and the FKE, which pays lump-sum benefits to those covered when they retire.

LESOTHO

Since a 1986 coup, a Six-member Military Council, led by Major General J. M. Lekhanya, has ruled Lesotho. The Military Council formally conferred all legislative and executive power on Moshoeshoe II, the previously powerless King of Lesotho. The Military Council and the King rule by decree; however, an appointed Council of Ministers, which includes civilians, administers the day-to-day operations of government. During 1988 the military regime continued its ban on "political activity," giving no indication when Lesotho might revert to constitutional rule, which was abolished by former prime minister Jonathan in 1970.

The Lesotho Paramilitary Force (LPF) of about 2,000 troops is responsible for internal and external security. The LPF is assisted by a small police force. Public security deteriorated in 1988 with the outbreak of widespread criminal activity and with many reports of police indiscipline and abuses of authority.

A landlocked country completely surrounded by South Africa, Lesotho is almost entirely dependent on its neighbor for trade, finance, employment, and access to the outside world. About half of the male labor force is employed in South Africa's mines, and remittances from workers (more than $150 million annually) are a critical factor in the economy, especially in financing imports. Lesotho is also a member of the Southern African Customs Union which groups together Botswana, Lesotho, Swaziland, and South Africa in a common tariff union and free trade zone. The South African currency circulates freely in Lesotho and is on a par with the local currency as a result of Lesotho's membership in the rand monetary area. With South African assistance, the gigantic ($2 billion) hydroelectric Lesotho Highlands Water Project finally moved toward the implementation stage in 1988.

In 1988 human rights continued to be tightly circumscribed under the military Government. In a possibly significant breakthrough, Ntsu Mokhehle, the aging exiled leader of the Basotho Congress Party (BCP), returned to Lesotho for the first time in more than 14 years for direct talks with the Government about conditions for national reconciliation. While no settlement was reached, Mokhehle and the Government pledged to continue the dialog. In February the Government imposed a State of Emergency (SOE) due to a dramatic increase in often violent criminal activity, including armed robberies and cattle rustling. It was renewed in August for another 6 months. The SOE gave the police broad powers of arrest, search, and seizure without a warrant. It also contained an indemnity clause to shield the police against legal action brought against them for actions taken under the emergency regulations. The Government used its new powers forcefully to crack down on criminal activity, and in the process reportedly arrested a number of persons and sometimes used excessive force in interrogating suspects. Lesotho's judiciary remained vigorous, and the High Court annulled the SOE in April on a procedural technicality. (The Government quickly removed the technicality and reinstituted the SOE on April 29.) There were several unexplained killings with political implications of persons in police custody in 1988. The Government took no known disciplinary action against law enforcement officials for illegal acts under the emergency regulations.

LESOTHO

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killings

A government investigation failed to identify the perpetrators or provide details of the brutal 1986 murders of former Ministers of Information and Foreign Affairs, Desmond Sixishe and Vincent Makhele and their wives. Similarly, there were no further revelations concerning the deaths in March 1986 of two senior Royal Lesotho Defense Force officers who had opposed the coup and who subsequently died while in official custody on charges related to events during the 1986 coup. Inquest reports, dated November 25, 1986, concluded that the two officers died from injuries sustained while in custody, including in one case severe burns to the victim's body. The Maseru Magistrate Court indicated, however, that it was unable to identify the person or persons responsible for these acts.

A reputed member of the African National Congress (ANC), Mazizi Maqekeza, was shot and killed in his hospital bed on March 15 while undergoing treatment for a wound he sustained in a February 25 shootout with Lesotho police. The motives and identity of the killer were not determined, although South African involvement was suspected. Another suspected ANC member was killed in the February shootout.

Samuel Nhlapho, one of four hijackers of a bus carrying 71 passengers, including Catholic nuns and children, was captured by police following a bloody shootout which also involved South African commandos and Lesotho security forces. The captured hijacker, who was allegedly a member of a renegade faction of the Lesotho Liberation Army (LLA), the military wing of the BCP, died while in official custody. His three accomplices and two hostages were killed in an exchange of fire when the bus was stormed.

b. Disappearance

There were no known instances of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The State of Emergency gave the police extensive powers of arrest, search, and seizure without a warrant, and led to a reputed decline in police discipline. The police exercised these powers arbitrarily in some cases. In particular, there were frequent reports of beatings and harsh interrogation of suspects during the period of heightened criminal activities, which peaked in July.

d. Arbitrary Arrest, Detention, or Exile

During the SOE, established procedures remained in effect for normal civil and some criminal cases, including the right of a detainee to an early determination of the legality of his detention. The 1981 Criminal Procedures and Evidence Act, as amended in 1984, makes provision for the granting of bail. Under the Act, the High Court is the only judicial body empowered to grant bail in cases of armed robbery or suspected homicide.

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SOE regulations superseded the Criminal Procedures and Evidence Act in certain categories of crime. Specifically, the SOE listed armed robbery, burglary, car theft, and livestock theft as offenses against which emergency powers were directed. Under emergency regulations, police can arrest and detain a suspect without warrant or charge up to 14 days. They may also conduct searches and seize suspected stolen goods without a warrant. On his written order, the Minister of Defense and Internal Security may detain a suspect indefinitely without trial. The security authorities used SOE powers widely to arrest and interrogate criminal suspects.

In political cases, the Internal Security (general) Act of 1984 applies. This Act provides for preventive detention without charge or trial for up to 42 days (the first 14 days on order of the police; the second 14 days on order of the police commissioner; and the final 14 days only on order of a government minister). Detainees may be held incommunicado for up to 14 days. During the second stage of the detention, ministerially appointed "advisors" (all government employees to date) report on the health of the detainee, investigate whether the detainee has been involved in subversive activities, and advise the Minister of Defense and Internal Security on the need for continued detention. Detainees under the Act may make representations on their own treatment only through the advisor. The 1984 Internal Security Act also allows for detention of witnesses in security cases.

At the end of 1988, there were no known political prisoners in Lesotho. Despite the broad provisions of SOE regulations and the Internal Security Act, cases of detention for political purposes were rare. Since enactment of the SOE in February, only a handful of detention orders (only six are known) were issued, and these were successfully challenged in court, normally within a day or two. None was issued by the Minister of Internal Security, under either the Internal Security Act or the SOE.

The military Government's general amnesty for exiled Basotho remained in effect. An unspecified number of exiles returned in 1988, but significant numbers remained outside the country, primarily in South Africa. The Government publicly declared that all Basotho citizens are free to return without fear of retaliation for past activities, and it reportedly gave this assurance to Ntsu Mokhehle during May 20 discussions in Maseru. At the end of 1988, negotiations between Mokhehle and the Government were continuing over precise conditions, which from the government side included the demand that Mokhehle and his exiled supporters not engage in politics. Religious leaders, reflecting a public desire for national reconciliation, became deeply involved in the negotiations (see Section 2.c.).

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary consists of a Court of Appeal, the High Court, magistrate courts, and customary or traditional courts which exist largely in rural areas to administer customary tribal laws. The courts have acted to limit infringements of law on numerous occasions in past years, as in the case of its April 15 annulment of the State of Emergency on procedural grounds. Court decisions and rulings are respected by the authorities. Accused persons have the right to counsel and public trial.

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Under the system of Roman-Dutch law applied in Lesotho, there is no trial by jury. Members of the High Court serve in an advisory capacity to military tribunals and provide guidance on questions of legal procedure and substance. This service is available to both prosecutors and the accused.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both State of Emergency regulations and the Internal Security Act provide police with wide powers to stop and search persons and vehicles and to enter homes or other places for a similar purpose without a warrant. In general, the military Government has had a better record of respect for these individual rights than the previous civilian regime. In 1988, however, there were increased numbers of violations of individual privacy by state authorities, according to local opposition press reports. Lesotho's most celebrated case of 1988 involved alleged police raids on the homes of two local businessmen and their legal counsel suspected of SOE violations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Human Rights Act of 1983 provides for freedom of expression but subordinates this freedom to the protection of national security. Following the January 1986 coup, a formal ban on politics was announced. This placed stringent restrictions on freedom of speech and political assembly. In particular, government edict no. 4 prohibits individuals and groups from making political speeches and from publishing or distributing political party materials. In spite of this ban, numerous persons met privately to discuss politics, and leaders of Lesotho's five principal political parties made joint public statements in 1988 criticizing the military Government and calling for an immediate restoration of civilian rule, including if necessary with outside intervention in Lesotho's domestic affairs. Municipal elections will be held in January 1989 and may provide an indication of how smoothly Lesotho can return to civilian rule. The military Government made no attempt in 1988 to inhibit such political discussion, and there were no known reprisals.

Opposition viewpoints were routinely expressed in two Sesotho-language weekly newspapers published by the Roman Catholic Church and the Lesotho Evangelical Church, but the editor of the Mirror Newspaper, reportedly a South African national, was deported in December. A new privately owned English language newspaper started publication in 1988 and was very critical of the Government. The Government controls the official media (one radio station and a weekly newspaper) and ensures that they faithfully reflect government views. However, the Government rarely used them to attack its critics.

b. Freedom of Peaceful Assembly and Association

The military Government's ban on "politics" was not interpreted to require the dissolution of existing political parties, but the ban does preclude political meetings and rallies. Nonpolitical organizations and professional groups continued to hold regular meetings.

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For a discussion of freedom of association as it applies to labor unions, see section 6.a.

c. Freedom of Religion

There is no state religion in Lesotho. Free and open religious practice is permitted and even encouraged. Christianity is the dominant faith of the majority of Basotho, with the principal denomination being Roman Catholic. There is a significant Protestant minority as well, which is composed of the Lesotho Evangelical Church, the Anglican Church, and a number of other smaller denominations.

Conversion is permitted, and there is no apparent social or political benefit or stigma attached to belonging to any particular church. There are no bars on missionary activity or work by foreign clergy. Churches play a large role in the administration of Lesotho's primary and secondary education system and are responsible for the day-to-day operation of most schools. In 1988 there was disagreement between the Government and the major churches over the exclusionary admissions policies of certain parochial schools.

Most church groups support the military Government's call for national reconciliation, and religious leaders from the major denominations have been outspoken in asking the Government to redouble its efforts to reintegrate Ntsu Mokhehle and his exiled LLA into the country's political life. Church leaders are also determined to participate directly in the reconciliation efforts, but the Government has increasingly resisted church involvement in the process--presumably because some of the church leaders often supported Mokhehle's positions--and in May the Government suspended its 2-year dialog with religious leaders on this political issue. It called on church leaders to patch up their own differences before the church-state dialog could be resumed. The Government briefly detained several church leaders at the border in October on their return from South Africa where allegedly they had met with Mokhehle.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally are allowed to move freely within the country and across national boundaries, although the Government does not hesitate to restrict passports in political cases, as in the case of a trade union official in 1987 (see Section 6.a.).

The refugee flow from South Africa slowed markedly in 1988 to only a few refugees per month. These persons have been accorded fair treatment, in line with Lesotho's international obligations. Those refugees affiliated with South African liberation groups are given expeditious transit to third countries for resettlement. Some 350 refugees without such affiliation have been allowed to resettle in Lesotho.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Basotho people currently do not have the freedom to replace the existing regime, nor do they play an active role in the governing process. The military Government, which assumed power in January 1986, announced that it intends to remain in place until a process of national reconciliation is

completed. No time frame for this process has been announced, nor has any schedule been set for return to civilian rule, elections, or constitutional revision. In contrast to the past, there was very little discussion in 1988 of an elected national council as a first step toward constitutional government, but the Government has begun a process of local elections starting with the Maseru district elections in January 1989.

The highest ranking woman in the Government is the Minister of State for Youth and Women's Affairs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has been unresponsive on human rights matters. It ignored the call in April by representatives of Lesotho's five political opposition parties for Amnesty International, the Organization of African Unity, and certain members of the British Commonwealth to investigate alleged human rights violations under the SOE. The opposition call was made following the High Court's abrogation of the SOE on the basis that it was not promulgated according to established legal procedures.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social status

Most citizens of the Basotho nation speak a common language and share a common historical and cultural tradition. Nonindigenous citizens have generally married into the Basotho ethnic group, which tends to be inclusive and assimilative in character. Expatriate communities are small and not considered to be a major factor in the country's political life. Asians (primarily ethnic Chinese and Indians) and white South Africans are active in the country's commercial sector and are less favored than Basotho nationals. The military Government has announced a policy aimed at "indigenization" of the country's retail commercial sector and has called upon expatriate owners to transfer their businesses to Basotho nationals. It is unclear whether this transfer would involve compensation. Exiles from South Africa have from time to time encountered some discrimination, since they are often viewed as magnets for real or imagined South African political or armed intervention.

The Government has not yet seriously addressed the issue of women's rights. In Lesotho these rights are limited by law and custom, including in the areas of property and contracts. For example, a married woman cannot apply for a loan without her husband's written consent. Despite their secondary status, women in Lesotho traditionally have been the stabilizing force in the home and in the agricultural sector, given the absence of over 100,000 Basotho men who work in South Africa. More female than male children complete primary and secondary schools. Women are strongly represented in all professions.

Section 6 Worker Rights

a. The Right of Association

Lesotho is a party to the 1948 International Labor Organization (ILO) Convention on Freedom of Association and

has also adopted most other ILO conventions dealing with worker rights. The imposition of the SOE in 1988 did not affect worker or trade union rights.

The previous Government supported the formation of a new umbrella trade union confederation. Subsequently, 24 of Lesotho's 28 independent trade unions formed the Lesotho Confederation of Free Trade Unions (LCFTU) which held its first convention in May 1985. The military Government supported non-LCFTU unions in the formation of another federation, the Lesotho Federation of Trade Unions (LFTU). In 1987 the military Government designated the LFTU, the much smaller federation, to represent Lesotho at the ILO annual conference in Geneva.

The problem of which union should represent Lesotho at international labor conferences--the LCFTU or the LFTU--surfaced again in 1988. After its proposal for rotational representation was rejected, the Government decided that neither federation would be allowed to represent workers at the 1988 ILO conference. Since then the Government has pressed for accommodation between the two rival federations to form a single national labor confederation. Results of this effort remained unclear at the end of the year.

While a legal right to strike exists for workers in nonessential services, in practice the procedure for calling a strike is so lengthy and cumbersome that it discourages legal strike actions and accounts for the prevalence of wildcat strikes. The 1964 Trade Union and Trade Disputes Law enumerates lengthy procedures which must be followed before a strike is called. The last general strike was in 1961. There were several wildcat strikes in 1987 and 1988 against foreign, export-oriented companies linked to the Lesotho National Development Corporation (LNDC) over minimum wage rates. These strikes normally ended in compromise and were generally of short duration. The latest wildcat strike took place in September. There was a subsequent wildcat strike at the Lesotho flour mills, a state-owned corporation, during which more than 300 employees were dismissed. The Government declared the strike illegal and instructed workers and management to engage in negotiations which resulted in a 5 percent wage increase for workers.

The LCFTU is a member of the Southern African Trade Union Coordination Council, the Organization of African Trade Union Unity, and the International Confederation of Free Trade Unions. Lesotho authorities confiscated the passport of LCFTU Secretary General Simon Jonathan in June 1987 when he returned from the ILO conference where he challenged the credentials of the government-appointed labor representatives to the ILO annual meeting. The Government's prohibition on Jonathan's travel ended in March, and he is now free to travel abroad.

b. The Right to Organize and Bargain Collectively

All trade unions in Lesotho enjoy the right to organize and bargain collectively. These rights were established in the 1964 Act and in the 1967 Employment Act, as amended in 1977. There is also an unfair labor practices tribunal whose mandate is to investigate unfair labor practices and safeguard worker rights. A government-appointed labor commission is also charged with, inter alia, monitoring wage and working conditions, and accepting, reviewing, and investigating worker complaints. Efforts are now underway, with assistance from

the ILO, to reform Lesotho's outdated industrial relations system. Lesotho has several industrial estates grouping together companies, mostly textile and apparel firms, engaged in manufacturing for export. There are no prohibitions against organized labor in these export zones, and labor laws are applied uniformly throughout the country.

c. Prohibitions of Forced or Compulsory Labor

There are no forced or compulsory labor practices in Lesotho.

d. Minimum Age for Employment of Children.

Sixteen is the legal minimum age for employment. In practice, however, children under 16 may be employed in family-owned businesses. There are prohibitions against the employment of working age minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions. Basotho minors under 18 years may not be recruited for employment outside of Lesotho.

e. Acceptable Conditions of Work

Roughly 60 percent of Lesotho's active male labor force works in the Republic of South Africa, mainly in gold and coal mines. At least 70 percent of the remainder are engaged in traditional agriculture. The rest are employed mainly by the Government and in small industries in Lesotho. A majority of Basotho mineworkers are members of the South African National Union of Mineworkers (NUM). Because the NUM is an extraterritorial worker organization, it is not permitted to engage in union activities in Lesotho.

Lesotho's 1967 Employment Act spells out basic worker rights, including a 45-hour workweek, a weekly rest period of least 24 hours, 11 to 12 days' paid leave per year, and pay for public holidays. Employers are required to provide adequate light, ventilation, and sanitary facilities for employees, and to install and maintain machinery to minimize the risk of injury. In practice, these regulations are generally followed only within the wage economy. Enforcement mechanisms, however, are weak. With help from the ILO, the Government is in the process of revising its national occupational and health safety standards.

Wages in Lesotho are extremely low. The Government sets minimum wages for various types of work, ranging from $48 a month for light unskilled labor to $93 dollars a month for semiskilled jobs, both well below the poverty line of about $146 per month. The present wage schedule was established by a tripartite wages advisory board in 1987 as an interim measure. Government salaries were increased in 1988, and there are growing pressures for an increase in minimum wages. Many employers in Lesotho now pay more than minimum wages in an effort to attract and retain motivated employees.

In the nation's traditional society, life and working conditions for the country's young "herdboys" tend to be much more rigorous and demanding than conditions in the modern sector. Their quasi-pastoral life, however, is considered a prerequisite to eventual manhood and is a fundamental feature of Sotho life, tradition, and culture.

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The Liberian Constitution provides for a U.S.-style system of democratic government and guaranteed rights and freedoms for the individual. In practice, the legacy of recent military rule and the tradition of strong executive authority continue to prevent fulfillment of that ideal. Samuel K. Doe, who headed the military government which ruled from 1980 until the establishment of the second republic in January 1986, became President after elections in which his claim of a narrow victory was widely believed to have been a fabrication. He and his ruling party, the National Democratic Party of Liberia (NDPL), dominate Liberian political life. Three opposition parties are recognized and permitted to function. Of these, one participates in electoral politics and two continue to boycott the Government and legislature to protest the 1985 elections.

While Liberia is now ruled by a civilian government, the army continues to be a bulwark of the current administration. Liberia's armed forces number about 7,000 and are engaged mainly in guarding border crossings and fulfilling certain internal security functions. The lack of military discipline, especially among poorly paid enlisted men, has resulted in some petty harassment of civilians. A small police force assists the armed forces in maintaining domestic order. President Doe has a personal bodyguard-militia, the Executive Mansion Guard, which includes the Special Antiterrorist Unit (SATU).

Liberia's mixed economy is based primarily on traditional agriculture and exports of iron ore, rubber, and timber. It continues to suffer from foreign exchange shortages, widespread corruption, a crushing debt burden, and governmental mismanagement. Nonetheless, in 1988 indications emerged that the long economic decline may have bottomed out, and some sectors, such as rubber, were expanding. Seventeen U.S. government-funded financial experts were assigned to positions within the Government with operational responsibility to improve management of government finances. Although this project met with some successes, it was terminated at the end of the year due to continuing dissatisfaction about the level of extra-budgetary revenues and expenditures.

The trend towards improved human rights observance since the resumption of civilian rule in 1986 was set back in 1988 by several adverse developments. The independent press has grown bolder in its reporting and editorial content, but the Government countered in April by detaining several journalists and by suspending two independent newspapers and one party newsletter for articles critical of the Government. Political parties have been allowed to operate and propogate their views publicly. The ruling NDPL engaged opposition parties in discussions on possible power-sharing, but it did not give ground on a key issue in the political dialog--restructuring the Elections Commission (now controlled by President Doe's life-time appointees) which oversees the voting process. Within the military, better discipline has led to a decrease in incidents of harassment of civilians. The Government's response to two new coup attempts was relatively restrained (there were no outbursts of officially tolerated violence as in November 1985). However, several of the alleged conspirators, including Nicholas Podier, former Vice Head of State, died under unexplained circumstances while in government custody. Others detained in 1988, including

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William Kpoleh, former presidential candidate of the defunct Liberian Unification Party, and two American citizens, were held for weeks without charge and without access to legal counsel. Events leading to the trial of Kpoleh and nine others raised serious questions about the administration of justice and executive branch willingness to respect the independence of the judiciary. The NDPL-controlled legislature, which has shown signs of assertiveness in reviewing appointments and international agreements, acquiesced, almost without debate, in an amendment to drop the constitutional limitation on two terms for the Presidency. The Government also hit at the right of association by banning all student organizations and continuing restrictions on worker rights to unionize.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In two separate incidents in 1988, persons linked with alleged coup attempts against the Government died under questionable circumstances. In March the leader of an alleged plot to assassinate President Doe and overthrow the Government died in a fall from the sixth-floor balcony of the executive mansion, reportedly while being interrogated regarding his role in the plot. The Government reported the death as a suicide. In July the Government announced that a group of 11 foreign-based dissidents, led by Nicholas Podier, former Vice Head of State, had infiltrated the country and been intercepted by security forces in Nimba County. The Government claimed that several, including Podier, were killed in a firefight, but it is generally believed that they had been captured and summarily executed. Three of the infiltrators, including two Americans, were charged with treason. They were released in November after writing a letter to President Doe apologizing for their involvement with Podier.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of officially conducted torture in 1988. However, brutality by police and other security officials during the arrest and questioning of individuals is fairly common, and there have been no evident government efforts to halt this practice. In July Liberian security personnel reportedly beat and confiscated the property of several dozen Sierra Leonean nationals resident in Monrovia, many of whom were later deported for immigration violations. The beatings and deportations occurred following an altercation in a Monrovia bar frequented by Sierra Leoneans which resulted in the death of a Liberian soldier. The Sierra Leonean Government formally protested the mistreatment of its citizens at the hands of Liberian authorities.

Prison conditions, which have been bad for decades, did not improve in 1988. Cells are often small and without light or ventilation. Food, exercise opportunities, and sanitary facilities are grossly inadequate. The maximum security

prison at Belle Yella in remote Lofa County is notorious for its brutal regimen. There have been unconfirmed allegations of deaths in recent years at Belle Yella due to starvation, lack of medical treatment, and mistreatment by prison guards. Because most of the prisoners are held incommunicado, these allegations cannot be confirmed. Several recent detainees at the Barclay Training Center (BTC) post stockade in Monrovia, which is located in the middle of a military facility, have described appalling sanitary conditions at the prison, including cells befouled through lack of proper sanitary facilities. Although the Constitution states that civilians may not be confined in any military facility, this provision is frequently ignored.

d. Arbitrary Arrest, Detention, or Exile

Although police are supposed to have a warrant for arrests, and persons should be charged or released within 48 hours, these constitutional provisions are frequently ignored in practice, particularly in cases involving alleged security threats or violations. In March 10 persons arrested in connection with an alleged assassination/coup plot were held for 2 weeks before being charged with treason. From April through August they were held at the BTC post stockade without access to family or legal counsel. Five journalists accused of publishing articles to which the Government took exception were detained without formal charge for several days in April. In July the Government detained at least five persons for alleged involvement in the Podier "invasion." Three, including two American citizens who were allegedly captured with Podier, were held for 7 weeks before being charged with treason. Two others, said to be assisting the Government in its investigation, remain in custody. A Liberian, who is reportedly related to a prominent political exile, was questioned and detained shortly after returning to Liberia carrying a large sum of money. He was later transferred to Belle Yella prison, where he is still being held without charge. The Government has disregarded two separate legal writs filed by his lawyers asking that the judiciary rule on the legality of his detention.

In many cases, prolonged detention of persons without charge occurs as a result of judicial inefficiency and administrative neglect. Reports surface from time to time that many of those in Liberian prisons have been "forgotten" by the judicial system and continue to remain in prison although they have never been tried.

Charges of short-term detention as a means of harassment were raised in the case of former Chief Justice Chea Cheapoo, cocounsel for a number of treason defendants, when he was arrested shortly before he was to appear in court for a pretrial hearing. He was not allowed to participate in the hearings but was released shortly thereafter.

In March the Justice Minister provoked a brief national debate over the legal rights of detained persons when he called for an amendment to the Constitution to restrict due process. A constitutional amendment was subsequently proposed in the legislature to restrict the right of habeas corpus in certain circumstances. The legislature adjourned in July without taking action on the bill.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Liberia's civilian court system is based on Anglo-American jurisprudence and features similar judicial bodies, with the Supreme Court at its apex. The Constitution provides for public trials and states that there shall be no interference with the lawyer-client relationship. Nonetheless, the judicial system is often subject to manipulation, and reports of financial or political pressure on the courts are common. Despite constitutional provisions for separation of powers, the judiciary has a history of not challenging the wishes of the executive. Court orders are not always implemented by executive agencies. For example, in June prison authorities ignored a court order to transfer from a military to a civilian prison the 10 persons arrested in connection with the abortive March coup plot. When summoned to show cause for disregarding the court's order, the Justice and Defense Ministers successfully persuaded the court that the BTC post stockade is not a military facility, although they pledged to allow the defendants' lawyers and relatives access to the post stockade. One month later, when it became evident that authorities at the post stockade had not allowed such access, the court once again ordered the defendants transferred. This second order was executed.

Persons have the right to legal counsel and to bail in noncapital offenses. When the accused is unable to secure his own lawyer, the court is required to provide legal services, although a lack of resources limits this practice to those accused of "serious" offenses. Litigants have the right to appeal. Traditional courts, presided over by tribal chiefs, are not bound by common law or conventional judicial principles; they apply customary and unwritten law to domestic and land disputes as well as petty crimes. These decisions may be reviewed in the statutory court system or appealed to a hierarchy of chiefs. Administrative review by the Ministry of Internal Affairs and, in some cases, a final review by the President, may follow. Allegations of corruption and incompetence in the traditional courts are common.

There were no known political prisoners in Liberia in 1988. However, among those arrested and tried in connection with the abortive March coup plot were William Gabriel Kpoleh, former standard-bearer of the now-defunct Liberian Unification Party, and Cephar Mabande, the former party's legal counsel. In a trial lasting 2 months, Kpoleh and the nine others received 10-year sentences in October. The trial was open to the public, covered well in the media, and the defendants, assisted by legal counsel, were able to make lengthy statements in their behalf. However, the pretrial and trial handling point up many flaws in the Liberian justice system, e.g., prolonged detention without charge and without legal or family access for many months, executive branch defiance of court orders, detention of civilians in military facilities, and jury irregularities. At the end of 1988, the case was under appeal to the Supreme Court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the political and military leadership demonstrated a heightened sensitivity to problems arising out of military indiscipline, military harassment and intimidation of civilians remained a continuing problem, reflecting a general lack of professionalism among poorly paid enlisted men. This surfaced

in random shakedowns of civilians and arbitrary interrogations which, in some instances, resulted in violence. In January a soldier killed a latrine worker in Monrovia following a petty dispute. In June five soldiers injured two civilians in a land dispute. The persons responsible for these two incidents were promptly identified and action taken against them. The soldier responsible for killing the latrine worker was discharged and turned over to competent civilian authorities for prosecution, but by the end of the year it was unclear whether charges had been filed against him. The soldiers who wounded the civilians were disciplined by military authorities--all were given 1 month at hard labor, and one was reduced in rank and ordered to pay medical expenses for the victims.

Interference by civil and military authorities in the lives of ordinary citizens occurs on a wider scale in rural areas, where these local officials wield considerable power over day-to-day activities of people and proper police and judicial procedures are less likely to be followed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The Constitution includes provisions for freedom of expression, including freedom of speech and of the press, but also stipulates that persons be held "fully responsible for the abuse" of this right. Decree 88a, passed by the military government in 1984, declares the spread of "rumors, lies, and disinformation" to be a felony. Although this decree is widely believed to be unconstitutional, it has not been revoked or challenged in court and is therefore technically still in force. Government authorities have not invoked the decree in the past 4 years, and no one has ever been convicted of a violation of it.

The Liberian press is lively, and, despite some degree of self-censorship, opposition viewpoints are presented, even on government radio and television. All media refrain from direct attacks on the President and certain other senior government officials. As many as seven independent newspapers appeared in Monrovia in 1988, though seldom did more than five publish on any given day. The one government-controlled newspaper appears irregularly.

Although the last few years have witnessed a general improvement in the quantity and breadth of discourse on national issues, this trend suffered some significant reversals in 1988. In February the Government suspended publication of one party newsletter after it reprinted articles from an exile publication originating in the United States calling for "mass action" to undermine the current Government. Following what the Government considered to be critical reporting on the coup attempt in March, the Government put economic pressure on several independent newspapers by shutting off their utilities and discontinuing government advertising. In April the Government suspended the independent newspapers The Sun Times and Footprints Today. The Sun Times had published information concerning the arrest of a person bearing arms and explosives and an unrelated story concerning the replacement of the commander of the Special Antiterrorist Unit (SATU), and had refused to reveal its sources for these stories when questioned by the Government about them. Footprints Today had printed a letter to the

editor by an author using a pseudonym accusing the Government of a variety of human rights violations. Five journalists from the two newspapers were detained and held without charge for several days in connection with the offending articles, and one of the journalists was dragged down a flight of stairs. The remaining independent press staged a 1-week "press blackout" to protest the newspaper suspensions and the Government's harassment. The two suspended newspapers have not been authorized to resume publication.

The Press Union of Liberia (PUL) has spoken out publicly against the newspaper suspensions and other perceived government restrictions on journalists. For example, in July the PUL lodged a protest with the Government after security officials threatened one of its members when he refused to divulge the source of a news story. The PUL also continued to call for the revocation of Decree 88a as an undue restriction on freedom of speech and to object to mandatory official accreditation of journalists as a form of prior restraint. In October, after months of negotiations, the Government agreed to involve the PUL in the accreditation process, although it reserved to itself the right to accredit government-employed journalists.

No foreign publications are officially banned. The magazine West Africa discontinued official sales in Liberia late in 1985 after government officials confiscated incoming consignments of the publication reporting on the aborted November 1985 coup attempt. Individual copies, however, continue to circulate widely. The Minister of Information, Emanuel Bowier, announced in June that a Washington Post African correspondent would be denied press accreditation in the future, accusing him of biased reporting on Liberia.

The government-controlled Liberian Broadcasting System runs the only television station in Liberia and two radio stations which give priority to government news. The Government's rural communication network offers a combination of news, entertainment, and development information to otherwise isolated areas. Several religiously affiliated, politically independent radio stations operate and report critically on local events, though their news programs are occasionally subject to government scrutiny. In April the Minister of Information, apparently disturbed by foreign news reports critical of Liberia, prohibited all radio stations from relaying or rebroadcasting British Broadcasting Corporation (BBC) and Voice of America programs over local airwaves. Since few Liberians own shortwave radios, this action cut off most Liberians from their only means of hearing unfiltered international news reports. Although the prohibition was later lifted for privately run stations, the official radio no longer relays the BBC's popular "Focus On Africa" news program. During the same time period, the official television station also temporarily restricted its use of U.S.-origin news programs supplied by the United States Information Agency's Worldnet.

Academic freedom is limited. In August the Acting Secretary General of the opposition Liberia Action Party was dismissed from his position as associate professor at the University of Liberia after the university administration decreed that his partisan political activities were incompatible with his academic responsibilities. The dismissal came after the professor had joined other prominent Liberians in challenging the contention of a fellow professor, the principal speaker at

an official National Day ceremony, that multiparty government was contrary to African tradition.

b. Freedom of Peaceful Assembly and Association

The constitutional right to peaceful assembly and association is observed more often in urban areas than in rural areas. In 1988 opposition groups conducted meetings and other organizational activities in the Monrovia area without interference from the Government. However, government authorities in the countryside often prohibit opposition groups from holding meetings within their jurisdictions. The superintendent of Lofa County banned all student political activities in his county in early 1988, and the Superintendent of Margibi County stated in July that political meetings held in his county must meet with his prior approval.

Permits must be acquired for public marches and demonstrations; however, no political party or other group attempted to organize any significant demonstrations in 1988. A 1986 Supreme Court ruling barred joint rallies and meetings of the collective opposition. Nonetheless, leaders of the various political groupings meet on an informal basis without government interference.

The ruling NDPL party maintains a task force, composed of several hundred young men, which opposition parties claim exists for the sole purpose of harassing and intimidating political opponents. After a number of violent confrontations with opposition members in recent years, the NDPL task force kept a low profile in 1987-88 and was not implicated in any significant incidents. Gabriel Swope, a Methodist minister, claimed that he was abducted, beaten, and held for 5 hours by unidentified persons in June. However, a subsequent investigation by the Methodist Church in Liberia revealed no evidence that Swope had been abducted as claimed. The Church subsequently placed Swope on a mandatory 2-year leave of absence.

Although there is no formal policy requiring government employees to join the NDPL, they are sometimes pressured to become members. The Government is initiating a check-off system for party dues to be deducted from civil servants' paychecks. Civil servants who are members of opposition parties are sometimes asked to resign their party membership if they wish to keep their jobs.

In late August, President Doe issued Executive Decree Number Two which banned all student political organizations, including the Liberian National Student Union. The move came in the wake of numerous incidents of student unrest throughout the country, including one in which soldiers shot at demonstrators, killing one school employee and wounding two students. Eleven student leaders at the University of Liberia who signed a leaflet protesting the ban were expelled from the university and charged with disorderly conduct for allegedly fomenting student unrest. The University administration later suspended 14 more students, whom it described as ringleaders of the student protests against the ban. In mid-September the Government detained 21 students for questioning regarding an unexplained explosion on the university campus. The students were arrested in a church while meeting with national church leaders who had volunteered to mediate the students' dispute with the Government. Most of the 21 students were released

shortly after arrest, but 9 of them were held for 2 weeks, without charge, before being released.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution states that freedom of religion is a fundamental right of all Liberian citizens. There are no restrictions on the practice of religion in Liberia. No religion has preference over any other, and there is no established state religion. Christianity, brought by 19th-century settlers and spread through the interior by missionaries, has long been the religion of the political and economic elite. The majority of the rural population continues to practice traditional religions. Approximately 25 percent of the population is Muslim. The Liberian Council of Churches, an organization comprising most of the Christian denominations in Liberia, occasionally plays a prominent role in national affairs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides every person the right to move freely throughout Liberia and to leave or enter the country at any time. Domestic movement is still impeded by a network of internal checkpoints. The number of such checkpoints was decreased sharply in late 1987 but rose again following the alleged coup plots in March and July. Police and military personnel at these checkpoints routinely search vehicles and often solicit bribes from passengers.

Exit visas are required for all Liberians leaving the country. These are routinely issued after applicants demonstrate that they have paid outstanding taxes and utility bills. The Government has denied a passport to a prominent Liberian dissident living in the United States, Ellen Johnson-Sirleaf. Otherwise, there were no reported restrictions on the foreign travel of Liberians in 1988.

Refugees are not forced to return to the countries from which they have fled. In a few cases in recent years, however, the Government sought to deport refugees who became involved locally in political activities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Despite universal suffrage and constitutional guarantees of free and fair elections, Liberian citizens are not free in practice to change their government democratically. The Liberian Government is structured along the lines of the American model, with three separate but equal branches of government, including a bicameral legislature. In practice, the executive branch, and the President in particular, has a disproportionate share of power. Furthermore, many officials from the former military government, which also was headed by President Doe, still hold positions of authority in the current civilian Government.

The legislature (Senate 26 seats, House of Representatives 62 seats) is still subject to inordinate executive influence. For example, in 1988 the legislature revived a Liberian

tradition of proclaiming the President's birthday as a national holiday, with celebrations to be hosted by a different county each year. To fund the 1988 celebrations, 1 month's pay was deducted from the salary of each of the host county's employees. However, the legislature has shown a willingness to assert its constitutional prerogatives in some cases. In 1988 the Senate subjected several presidential nominees to intensive questioning, in some cases demanding personal financial records, and rejected the nomination of one county commissioner. Several major bills sponsored by the administration were pigeonholed by the legislature, including one which would have restricted the right of habeas corpus. The Senate has also established a recognized role in reviewing international agreements. Members of both Houses actively pursue constituents' interests with officials of the executive branch. Opposition parties continue to boycott the legislature; however, a group of legislators, elected in 1985 on opposition tickets but taking seats as independents, has formed a caucus and functions as an informal opposition party.

The Constitution provides for an Elections Commission to monitor all political activities in the country. The elections law empowers the Commission to certify parties, conduct all elections, and count election ballots. The five commission members are appointed by the Executive for life and are former members of the ruling NDPL. Citing the widespread fraud that occurred during the 1985 elections, the opposition has called for an independent vote-counting mechanism. No elections for public office were due in Liberia in 1988; national elections are next scheduled for 1991.

In July the legislature passed legislation to remove the provisions of the Constitution limiting the President to two terms in office. The measure must now be ratified in a national referendum to be held sometime after July 1989. The three opposition parties publicly criticized the legislature for passing the amendment without public debate and indicated that they will oppose its adoption.

The Constitution prohibits creation of a one-party state. Four political parties are officially recognized by the Elections Commission--the NDPL, the United Peoples Party (UPP), the Liberia Action Party, and the Unity Party. The level of activity of the three opposition parties varies, but in the last 2 years each has held conventions or other large party gatherings, published party newsletters, and expressed its views freely in the press and at public forums. Since the disputed election of October 1985, only the UPP has participated in electoral politics.

Women hold high positions in the Cabinet (Minister of Health and Social Welfare, and of Posts and Telecommunications), in the legislature (one seat in the Senate, four in the House), in the parties, and in the judiciary.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In recent years the Government has permitted representatives of various organizations, including Amnesty International (AI) and the International Committee of the Red Cross (ICRC), to visit Liberia to investigate alleged human rights violations. It did not, however, as far as is known, respond to inquiries in 1988 from AI, the Lawyers Committee for Human Rights, and

the National Press Club of Washington concerning various human rights developments in the country.

Although no Liberian organizations currently exist for the express purpose of monitoring human rights developments, the Press Union of Liberia and the Liberian Council of Churches have spoken out actively on human rights issues in recent years. The Liberian Red Cross routinely visits prison facilities, mostly in the Monrovia area, and in 1988 was permitted for the first time in recent memory to carry medical and sanitary supplies to the isolated maximum security prison at Belle Yella.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution states that "only persons who are Negroes or of Negro descent" shall qualify by birth or naturalization to be citizens of Liberia. The Constitution further states that only Liberian citizens can own real property. These provisions discriminate against many nonblack residents who were born in Liberia and consider it their home. Otherwise, there is no officially sanctioned discrimination on the basis of race, sex, religion, language, or social status. However, members of President Doe's Krahn ethnic group hold a disproportionate share of high posts in the Government and military and are widely believed to be given preference in competing for lower level jobs.

The status of women varies by region. In urban areas and along the coast, women can inherit land and property. In interior areas, where traditional ties are stronger, a woman is normally considered the property of her husband and his clan and is not usually entitled to inherit from her husband. In newly urban areas, many women are subject to both customary and statutory legal systems. Female circumcision is widely practiced by those Liberians who follow traditional religions. Women in Liberia are active in the professions throughout the modern economy but remain underrepresented in most jobs in the wage economy. The death under suspicious circumstances of a well-known Liberian woman in 1988 focused attention on police failure to investigate properly rapes, which are not commonly prosecuted in Liberia. The death also prompted public discussion of sexual harassment on the job, societal acceptance of rape, and the role of women in Liberian society generally.

Section 6 Worker Rights

a. The Right of Association

The Constitution guarantees workers the right to associate in trade unions. Over 20 labor unions are registered with the Ministry of Labor, representing roughly 15 percent of the monetary sector work force. Ten national unions are members of the Liberian Federation of Labor Unions (LFLU), an affiliate of the International Confederation of Free Trade Unions. Although organized labor has not historically had great influence in national politics, in recent years it has begun to assert itself on issues affecting workers' interests. In 1987, for example, several labor unions joined with the opposition political parties in lobbying against a bill which would have enjoined civil servants from membership in political parties. The legislature has not yet taken final action on the bill. Labor unions are constitutionally prohibited from participation in party politics.

The Labor Ministry began an investigation into LFLU's May elections when some labor leaders disputed the results, but the National Labor Court ordered an end to the investigation, noting that complaints about the elections must first be filed with the LFLU Executive Board, and then with the National Labor Court. The Labor Ministry appealed this ruling, but no decision had been rendered by the end of 1988.

PRC (People's Redemption Council) Decree 12 outlawing strikes and any other type of labor unrest is still in effect and is enforced. In January a special Presidential Commission recommended that the Government suspend the entire leadership of the Bong Mine Workers Union for instigating an illegal strike in December 1987. Although the Government did not take direct action against the union leaders, the union's own shop stewards suspended the union leaders from office for alleged maladministration. Many observers saw the hand of the Government behind the shop stewards' action. In July the Government ordered that the suspended union officials also be suspended from their company jobs pending the resolution of a court case brought against them by the shop stewards. Most Bong mine workers went on strike but returned to work after 9 days in the face of a presidential deadline to resume work or be dismissed.

The International Labor Orgaization (ILO) Committee of Experts has noted discrepancies between various provisions of Liberian legislation and ILO conventions. The Committee has urged the Government to adopt the new labor code now before the Liberian legislature, which would repeal many of the objectionable provisions.

At present, the Government does not recognize the right of civil servants or employees of public corporations to unionize or to strike. Many such employees, including teachers and port workers, are represented by employee associations which, unlike unions, have no authority to bargain collectively. These associations represent worker interests with government or management.

b. The Right to Organize and Bargain Collectively

With the exception of civil servants and employees of public corporations, all workers have the right to organize and bargain collectively. There were no reports of direct government interference in union organizing activities in 1988. The Government promotes union/management negotiations and sometimes provides mediation for disputes arising out of such negotiations. An export processing zone operates in the area of the Monrovia free port. Workers and employees there are subject to the same labor laws as those employed in the rest of the economy.

The ILO Committee of Experts has noted that current labor legislation provides insufficient guarantees against antiunion discrimination.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor, and the practice is firmly condemned by the Government. The ILO Committee of Experts has raised questions about the effective enforcement of the prohibition of forced labor, particularly on rural community development projects, and the measures taken to eliminate it. In a broader context, the Government has

indicated that the draft labor law will provide for penal sanctions in cases of illegal exaction of forced or compulsory labor.

d. Minimum Age for Employment of Children

The law prohibits employment of children under the age of 16 during school hours. Enforcement is difficult, though, since many children are engaged in subsistence farming and only a minority ever attend school.

e. Acceptable Conditions of Work

The Labor Law provides for a minimum wage, paid leave, severance benefits, and safety standards. The minimum wage for agricultural workers is $2 per day. Industrial workers generally receive three or four times this amount. The minimum wages would not, alone, be sufficient to provide a decent standard of living for a worker and his family, but many families supplement their earnings through some subsistence farming, multiple wage earners, and/or support through an extended family system. The maximum hours of work which an employer can require are 8 hours per day or 48 hours per week. Safety standards are not rigorously enforced. A new national pension scheme was implemented in 1988 in which most workers and employers will be required to participate.

MADAGASCAR

The Democratic Republic of Madagascar, the fourth largest island in the world, is governed by a president and a parliament (National Popular Assembly), both elected by direct universal suffrage. The President selects the members of the Supreme Revolutionary Council (SRC), the highest policymaking body. President Didier Ratsiraka, in power since 1975, has broad constitutional powers, and his position is further strengthened by the influential role played by his political party, the Vanguard of the Malagasy Revolution (AREMA), which holds an overwhelming majority in the National Popular Assembly. Elections are actively contested within the controlled political framework sanctioned by the Government. This framework permits political activity by only the seven parties making up the National Front for the Defense of the Revolution. The Front, established in 1976 by the Malagasy Constitution, was conceived as a unifying framework for building socialism in Madagascar while allowing for party diversity. No legal political parties exist outside of the Front, which is a kind of surrogate for a single-party state. The political orientation of the seven parties in the National Front ranges from moderate and pro-Western to radical and pro-Soviet.

The Malagasy internal security system is composed of the urban police force and the National Gendarmerie, the latter having jurisdiction in the provinces. On occasion, the National People's Army is also used for internal security purposes.

Starting in 1982, the Government reversed its long-standing Socialist policies, which had led to wide-scale nationalization of agriculture, industry, and commerce and to economic stagnation. At that time, the Government introduced, with the assistance of the International Monetary Fund, an austerity program involving major reforms, including devaluation of the Malagasy franc and moves to privatize many of the 300 government-controlled companies. This program has begun to show positive results, especially in the production and marketing of rice. However, economic growth (2 percent in 1987) has not kept pace with population growth (3 percent), real incomes have declined, and unemployment remains high, especially among the youth (60 percent of the population is under age 25).

Although fundamental liberties and individual rights are guaranteed by the Constitution, several of these rights, such as freedom of assembly, are restricted in practice or are subject to exclusionary clauses in most laws. In 1988 the Government eased some press restrictions but continued to censor articles that criticized directly the Government and the "Socialist Revolution." In February Madagascar finally held the long-awaited "kung-fu" trial, in which 245 practitioners of this martial art were tried for a variety of offenses, including endangering the security of the State. Most of the 245 had been provisionally released after arrest in 1985, but 37 had been held in preventive detention for over 2 years and without charge until November 1987. The speedy 6-day trial resulted in 29 people receiving prison sentences that were either suspended or shorter than the time they had already served, thus bringing about their immediate release. All charges were dropped against the others.

MADAGASCAR

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

While there have been recurring rumors of politically motivated killings in recent years, there has been no conclusive evidence to substantiate such rumors. In 1988 four separate murders of clergymen again raised speculation that the Catholic Church, whose officials often speak out on controversial issues, is being targeted by unknown political groups to silence church criticism.

In 1988 the Government undertook a major campaign, involving military and police forces, to eradicate the well-armed and burgeoning cattle rustling and banditry endemic to the southern areas of Madagascar. By June the Government announced that over 200 bandits had been killed in security operations and an even larger number of persons had been arrested, including at least 50 local officials. According to unconfirmed reports, many of the 200 or more dead had been caught by law and order forces while committing a crime and were summarily executed.

b. Disappearance

There were no known cases of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While there were no documented cases of physical torture occurring in Madagascar, some organizations in the security apparatus, notably the state secret police, have a reputation for ruthless methods. The kung-fu prisoners allegedly suffered from very cruel treatment while in detention. There have also been credible reports of the alleged use of torture by the armed forces in the Government's campaign against outlaw bandits in Madagascar's southwest.

Malagasy prisons are increasingly inhumane in terms of living conditions. Some prisoners are not fed regularly, medical care is not provided, infections are commonplace, prisoners rarely have the opportunity to wash, and clothing is not provided. The death toll rises significantly among prisoners during the cold winter months. Amnesty International's (AI) 1988 report is critical of this situation and notes that it has received reports indicating at least one prisoner died each day in early 1987 in Antanimora prison. Causes were believed to range from malnourishment to malaria and tuberculosis.

d. Arbitrary Arrest, Detention, or Exile

In a normal criminal case, the accused must be charged or released within 3 days after arrest. Generally, defendants in ordinary criminal/civil cases are charged formally within the specified time frame and, upon being charged, are allowed to obtain an attorney. Counsel is readily available, and court-appointed counsel is provided for indigents.

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Under Malagasy law, persons suspected of activity against the State may be detained incommunicado for 15 days, subject to indefinite extension if considered necessary by the Government. In particular, the Government has held detainees in security cases for extended periods, as with the 37 kung fu adherents. Also, certain defendants involved in coup-plotting cases have been held in pretrial detention for periods ranging from 20 months to over 5 years. Since the release of the kung fu defendants, there has been no evidence of other arbitrary political detentions.

Exile has not been used as a means of control in the recent past. However, in January the Malagasy Supreme Court rejected the appeal of two military officers on their conviction in 1983 of plotting against the security of the State, possession of unauthorized arms, and other charges. One officer's sentence of internal exile ("deportation") was upheld. This term means that the prisoner is incarcerated in a prison on an island off the main national territory.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Malagasy Constitution provides for an independent judiciary, and in practice the judiciary seems to function without outside influence from the executive.

The judiciary has three levels of courts: lower courts for civil and criminal cases carrying limited fines and sentences, a Court of Appeals which includes a Criminal Court for cases bearing sentences of 5 years or more, and a Supreme Court. The judiciary also has a number of special courts designed to handle specific kinds of cases under the jurisdiction of the higher courts. A Constitutional High Court, with a totally separate and autonomous status, may review the constitutionality of laws, decrees, and ordinances and ensures the legality of elections. Although the Chairman of the National Popular Assembly can seek a ruling on the constitutionality of proposed laws, this judicial review function is in practice most often performed at the request of the President. For example, he may request an advisory opinion before sending proposed legislation to the Assembly for a vote, or after receiving legislation from the Assembly before promulgating it into law. A High Court of Justice, charged with prosecuting malfeasance in the Government, is provided for in the Constitution but has never come into existence. A Military Court has jurisdiction over all cases involving national security. The definition of national security is largely a matter of interpretation by the authorities, but includes acts constituting a threat to the nation and its political leaders, invasion by foreign forces, and riots that could lead to an overthrow of the Government. In exceptional cases, civilians may be tried in the Military Court if they are charged with having broken military laws.

The kung-fu trials took place in February in an ordinary criminal court in the presence of a jury. The trial was public, and human rights monitors from the Christian Council of Churches were permitted to attend. Once the 245 cases came to trial, the proceedings were conducted fairly and quickly, according to most observers. In 1984-85 these martial arts enthusiasts had been involved in street battles with a government-sponsored paramilitary youth group, and later with the army. The Government, which had come to perceive the

popular kung-fu devotees as a threat, proscribed the practice of kung-fu. When the ban was ignored, troops sent to attack the movement's headquarters in July 1985 killed the leader of the movement and at least 20 followers, according to government sources.

At the end of 1988, there were no known political prisoners, and none of the students who were arrested following student demonstrations in 1987 remained in prison.

The Government showed interest in 1988 in learning about other judicial systems and appreciated the visit of U.S. Supreme Court Justice O'Connor.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The State does not generally intervene in nonpolitical aspects of the lives of the people. The home is inviolable under Malagasy law, and there are no provisions for entering private premises without a search warrant. This protection does not apply, however, in the case of a declaration of a state of emergency or a state of siege. In their suppression of kung-fu gangs, for example, the military entered some homes without court orders and ransacked them.

The Malagasy may make their own decisions, without government coercion or interference, in such matters as changing jobs or residence, marriage, having children, and joining permitted political parties or social organizations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Private citizens have freedom to criticize government officials and policies without fear of arrest by the local authorities, but such criticism must be carefully worded. Direct criticism of the President or the "Socialist Revolution" is not tolerated.

Madagascar has one of the highest literacy rates in Africa, and Malagasy citizens attach great importance to the press, which often has an impact on the nation's policymaking apparatus. The press covers critically a range of policy issues, such as economic management. However, the Government through the Ministry of Interior reviews the content of newspapers prior to printing. When censorship is enforced, the newspaper leaves blank those columns where the offending articles would have appeared. In instances of violations of censorship, the Ministry has used its administrative authority to suspend publication. In 1988 the Government allowed previously barred journalists from a foreign newspaper to visit Madagascar, and it lifted an 8-year old ban on the Paris-based weekly Jeune Afrique. Earlier, the locally published regional magazine, Indian Ocean Review, contained several blank pages where an article on the call for a national debate was to have appeared. There is one government-owned newspaper. One of two major independently owned newspapers stopped publication in 1988 due to financial difficulties. Several other dailies and weeklies are published by party groups and independent publishers, including the outspoken and candid Catholic newspaper, Lakroa. The Government owns the radio and television stations.

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Academic freedom is respected in theory. However, any public lectures or teachings which condemn Madagascar's Charter of the Socialist Revolution would be violating the Constitution. The Government announced the decentralization of Madagascar's university from one university with six regional campuses into six separate self-governing universities.

b. Freedom of Peaceful Assembly and Association

The rights of assembly and association are restricted. Permits are required to hold public meetings and can be denied by the Government if officials believe that the meeting poses a threat to the State or endangers national security. Those denied a permit can appeal these decisions before the administrative chamber of the Supreme Court. Persons and groups belonging to parties of the National Front are permitted to organize and assemble. Nevertheless, since political activity by groups outside the National Front is prohibited, dissenting political opinion is limited. Widespread student unrest, which occurred in 1987 in opposition to educational reform measures announced by the Government, did not recur in 1988. However, student organizations and government officials did meet to discuss possible solutions to resolve a serious shortage of campus housing, which has led to a widely publicized "squatter" problem, with some students living in classrooms.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government is secular, and there is no official religion. There is no discrimination on the basis of religious affiliation, and persons are free to follow the faith of their choice. Over half of the population is Christian, with the remainder following traditional Malagasy religious beliefs or other faiths. Missionaries and clergy are generally permitted to operate freely. The Catholic Church has been particularly active in raising political consciousness among the economically deprived. In 1988 the Government banned an organization affiliated with the Catholic Church from holding a national political debate on the state and future of the nation. The separate murders of four Catholic clergymen in 1988 added fuel to rumors of a political campaign of violence against the Church. However, there has been no evidence to link the four killings to such a campaign.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Officially there is no restriction on travel within the country. However, since May 1988, the start of the campaign to eradicate cattle rustling, villagers in the southwest must get permission to leave their villages. For all Malagasy, official approval must be obtained for trips outside the country, but there has been only one known instance in which approval was denied due to the person's political views. Foreign travel is impeded by the difficulty in obtaining foreign currency. The Malagasy franc is not convertible abroad, and the Government limits the amount of hard currency that can be obtained for foreign travel. There is no refugee population in Madagascar.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The electorate's choice is constrained by the nature of the political system, since the only political parties allowed to operate in Madagascar are those which are members of the National Front. However, there exists a range of ideological and policy views among the seven Front parties, and within this spectrum there are viewpoints represented that are at odds with the policies of the administration. Thus, the electoral process does give the voters a chance to choose among candidates expressing differing views in local and regional elections, as well as in the parliamentary and presidential campaigns.

The 137 members of the National Popular Assembly are elected by universal suffrage for 5-year terms. The President is elected to a 7-year term. The next elections for both are now scheduled for 1989 after the Supreme Revolutionary Council, in October 1987, extended the terms of the Assembly deputies by 9 months for, according to official reports, economic reasons. The electoral process, although not completely free from irregularities, has been essentially straightforward in recent elections. The political system in Madagascar also reflects a considerable degree of regional balance.

The President controls all major policy decisions. Most legislation is initiated by the executive branch. Legislation originated by legislators is passed to the executive for review and approval before coming up for a vote in the Assembly.

Women have a lengthy tradition of involvement in high-level political activity, and currently women are members of the Cabinet, the Supreme Revolutionary Council, and the Assembly. Women are also very active and play major roles in the various political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not cooperated with groups wishing to investigate alleged human rights violations and has denied visas to AI representatives. When the President's opponent in the 1982 election campaign called for supervision of the elections by AI, the President rejected the proposal as being in derogation of national sovereignty. In the absence of private human rights groups, the Christian churches in the country have taken the lead in advocating human rights. Although the Government is sensitive to allegations of human rights abuses, it has not officially responded to questions or criticisms from the churches or any other group.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Madagascar is inhabited by an estimated 10.3 million people of both Malayo-Polynesian and African origin. While there appears to be no customary practice of institutional or systematic discrimination on the basis of ethnic grouping in Madagascar, a serious outbreak of violence and plunder of Indian-owned property occurred across Madagascar in March 1987. This prosperous community, estimated at some 18,000 persons of Indian origin and referred to locally as "karana,"

is primarily engaged in commerce. While no Indians died in these riots, several looters were killed, many were wounded and property damage was great. The simultaneous outbreak of these riots in cities across the island and the relative absence of damage outside the Indian community gave rise to speculation that these incidents were carefully coordinated and organized. There was some speculation that these anti-Indian riots may have been orchestrated by the Government. The Chinese and French communities also have experienced some resentment from the Malagasy, mainly because of their success in commerce.

Madagascar has what is essentially a matriarchal society, and a highly visible role for women has long been recognized as an integral part of the country's sociological framework. Women have a prominent role in the business and economic life of the country, with many of them managing or owning business concerns or filling management positions in state industries. Education at all levels is open to women. However, women in rural areas and among the urban poor face a greater degree of hardship. In addition to the responsibilities associated with raising a family, the realities of subsistence agriculture force these women to engage in farm labor and related activities.

While women are not discriminated against in the workplace, discrimination does exist in marriage and property rights. In the case of divorce or the death of the husband, the wife inherits only one-third of their joint wealth. On the other hand, the wife receives a pension if her husband dies, but the reverse is not true. Women's rights groups as such do not exist, but groups of professional women and women within the political parties are working to change these aspects of family law.

Section 6 Worker Rights

a. The Right of Association

The labor force of 4.9 million is mostly agrarian (85 percent), and union labor accounts for less than 5 percent of the total. The Malagasy have the right to establish and join labor unions and to strike. In reality, strikes in Madagascar are a rarity because of the severe unemployment problem and the politicization of the labor federations. However, there are occasional wildcat strikes. In these, the Government generally sides with management for the restoration of order. Of the nine national labor organizations in existence, seven are affiliated with the seven political parties within the National Front for the Defense of the Revolution. The remaining two unions in 1979 signed a protocol of agreement with the dominant political union in the nation pledging support for the Malagasy "Socialist Revolution." The primary focus of the unions is party politics, and they are usually active only during election campaigns.

Given the small fraction of Madagascar's population which is unionized, labor unions play an insignificant role in national life. Several of the unions are members of the World Federation of Trade Unions based in Prague, or of the World Confederation of Labor. One union, the Confederation of Malagasy Workers, has links with the Brussels-based International Confederation of Free Trade Unions.

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b. The Right to Organize and Bargain Collectively

Union activity is governed by the Malagasy Labor Code of May 18, 1975 which guarantees free unions and the right to bargain collectively. The Labor Code, which covers all workers except for civil servants and the merchant marine, prescribes an arbitration procedure which must be followed in labor/management disputes. Should this procedure not lead to a settlement, workers individually, or as represented by a union, may call a strike. There are no export processing zones in Madagascar, labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Madagascar within the definition set forth by the International Labor Organization.

d. Minimum Age for Employment of Children

The Malagasy Labor Code describes a child as any person, regardless of gender, under the age of 18. The minimum age for employment is 14, but the use of child labor is prohibited in those areas where there is apparent and imminent danger. In reality, many young children work with their parents in the rural areas on family farms. In the urban areas many children earn a living as parking attendants, newspaper vendors, etc.

e. Acceptable Conditions of Work

The Malagasy Labor Code and its enforcing legislation describe the working conditions for employees. Malagasy law distinguishes between agricultural and nonagricultural work. There is a 44-hour workweek in nonagricultural and service industries. There are also provisions for holiday pay, sick and maternity leave, and insurance. There are several minimum wages in Madagascar according to categories of work. The lowest (for unskilled workers) is approximately $20 per month and is inadequate to ensure the average family a decent standard of living.

The Labor Code has rules concerning building safety, machinery and moving engines, operational safety, and sanitation standards. It appears that, in practice, the rules and regulations of the Code are adhered to by employers and are enforced by the authorities. Labor inspectors carry out regular visits to industrial work sites. Violations of safety, sanitary, operational, and other Work Code laws are the subject of reports by these inspectors. If the violations are not remedied within a specified time frame, the violators are legally charged and subject to various penalties.

MALAWI

The President of Malawi, Dr. H. Kamuzu Banda, has maintained nearly undisputed control over political life and government since he led the country to independence in 1964. He was proclaimed "Life President" in 1970. Political activity is limited to participation in the sole legal party, the Malawi Congress Party. Parliamentary elections, which are required at least every 5 years, were last held in 1987. Only candidates selected by the party and approved by the President are allowed to run. Almost all constituencies were contested in the last elections and nearly half of the incumbents were not reelected. Constitutional amendments and laws passed by the Parliament generally reflect decisions already taken by the President and his close advisors.

Military, police, and party security organs closely monitor a wide range of activities, particularly opposition to the Government. The small, highly professional Malawian military establishment (6,500 men) faces a major problem in trying to provide sufficient security to permit the reopening and operation of the Nacala railroad line through Mozambique to the Indian Ocean, pursuant to a December 1986 accord with Mozambique. The police, responsible for border security and rarely armed, also have had to deal with incidents of cross-border incursions by Mozambique National Resistance guerrillas (RENAMO).

Malawi is a small, densely populated, landlocked country with few exploitable resources. Its current population of 8 million people is growing at an estimated high annual rate of 3.7 percent. Possessing no significant mineral resources or industrial sector, Malawi is heavily dependent on agriculture--tobacco, tea, sugar, peanuts, cotton, and sometimes corn--for export earnings and employment. Since 1981 the Government has pursued an economic reform program with the assistance of the International Monetary Fund and the donor community. Despite steady growth in the mid-1980's, the combined effects of drought, the heavy burden of an influx of Mozambican refugees, and high transportation costs resulting from the closure of the rail routes through Mozambique have had significant negative impact on Malawi's economy in the past 2 years.

Although there were no new human rights cases attracting international attention in 1988, human rights remain widely circumscribed. Several cases continued to draw appeals and inquiries from human rights groups--the cases of Orton and Vera Chirwa, who are both serving life sentences for treason (commuted from death sentences in 1984), and Jack Mapanje, a well-known professor and poet who has been detained without charge since September 1987. Malawi has become host to one of the largest refugee populations in Africa. Since mid-1986, Malawi has experienced a massive influx of Mozambicans fleeing famine and fighting between Mozambican government forces and RENAMO insurgents. By the end of October 1988, official estimates put the number of refugees at about 555,000 with approximately 20,000 new arrivals each month. Malawi's generous and humane treatment of these refugees, despite the deleterious effect of their presence on its economy and infrastructure, has been widely praised by the international community.

MALAWI

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no allegations of politically motivated killings.

b. Disappearance

There were no known political disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Beatings by the police at the time of arrest or during detention are illegal but do occur. The officials responsible are rarely, if ever, disciplined for such abuses. Prison terms of hard labor are the norm for common criminals. Prison conditions are believed to be poor and food insufficient, but this is difficult to verify because access to prisons is tightly controlled.

Amnesty International's (AI) 1988 report notes that Orton and Vera Chirwa were transferred in 1987 from Mikuyu Prison to Zomba Central Prison where conditions were described as poor. According to AI, Orton Chirwa was in bad health due to treatment at Mikuyu, which included long periods of being manacled and handcuffed to an iron bar at night. AI's 1988 report also states that in 1987 Dr. Goodluck Mhango, associated with the Malawi Young Pioneers, sustained serious head injuries after beatings by police at the time he was taken into custody. AI had reports that Mhango may have been arrested because of his brother, a journalist resident abroad, whose political writings may have displeased the Government.

d. Arbitrary Arrest, Detention, or Exile

Under the Preservation of Public Security Act, the Minister of Justice (a position currently held by President Banda) may order the arrest, search, and detention of any person if he considers it to be necessary for the preservation of public order. A person arrested under this law can be detained indefinitely by the police without trial, but courts may issue a writ of habeas corpus upon application and review the detention. Persons may be detained indefinitely without charge for "political" offenses against the party or Government, but long-term detainees are normally charged officially and brought before the courts. Persons may also be detained without charge for periods up to a month and then released, apparently for making statements to which the Government objects. While it is difficult to estimate the number of arbitrary detentions and arrests made in Malawi in 1988, it appears fewer than in previous years. Persons charged with crimes are usually held in custody while awaiting trial. In capital offenses, delays of 3 years or longer before a case is heard are common.

A number of persons detained in past years apparently for their political views or, in some cases, offhand comments remain in detention. Aleke Banda, a former high-ranking government and party official, has been detained for over 8 years and charges against him still have not been made public. Jack Mapanje, the head of the English Department at

Chancellor College, was arrested by police on September 25, 1987. The reasons for his detention have not been made public, but apparently are related to his poetry, some of which may have been seen as criticizing the Government. Mapanje was held incommunicado for several months, but his wife was allowed to visit him in 1988. In another case, a young Malawian, detained in October 1985 for asking in jest if President Banda would live long enough to enjoy his newest residence, remained in detention at the end of 1988.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Malawi has both a traditional court system, which deals with certain criminal cases, including capital offenses, and a modern court system, which generally handles civil cases and some criminal cases. Those charged under the military code of justice (including civilians) are tried in military courts. Lawyers are not permitted to assist defendants in regional traditional court cases, but legal counsel is permitted in the modern court system. The right of appeal exists in both the modern and traditional court systems.

In practice, the Government and party exert little control in cases tried in the modern court system, which consists of the Magistrate Courts, the High Court, and the Supreme Court of Appeal. The President appoints the Chief Justice of the High Court and, after consultation with the Judicial Service Commission, other modern court justices. These courts are open to the public, and defendants are charged publicly.

The three traditional courts at the regional level deal with most capital offenses, including treason. Police officials handle the prosecution, and defendants conduct their own defense. Traditional court justices are appointed directly by the President. Of the five members of each regional traditional court, three are chiefs generally without formal legal training, one is a trained lawyer who advises the court, and the fifth, the chairman, has had a course in law. It is generally believed that there is little executive interference in traditional court cases dealing in nonpolitical matters of customary law. A guilty verdict is reviewed by the National Traditional Appeals Court, and a ministerial committee considers clemency.

The Forfeiture Act permits the Government to revoke the property rights of those suspected of economic crimes. These revocations sometimes have political overtones. When the Forfeiture Act is invoked, the person loses all worldly possessions, including business, financial, and personal assets. Revocation of property rights is carried out by executive fiat with no judicial review. Notice of forfeiture must be published in the official gazette. In 1988 four forfeiture actions were undertaken against individuals and businesses, apparently because they were suspected of involvement in illegal foreign exchange transactions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Police can enter houses of suspects at will under special entry authority to conduct searches for suspects or incriminating evidence. In at least one trial in 1988, however, the judge disallowed evidence obtained without a

proper warrant. Many citizens believe that a network of informers reports private statements and actions to the Government. The authorities have been known to open domestic and international mail.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is little public criticism of the Government and its policies, even by the Parliament. Public security regulations make it an offense to publish anything likely "to undermine the authority of, or public confidence in, the Government" and discussion of Malawi's political future after President Banda is not permitted.

All publications, recordings, and movies entering Malawi are screened by the censorship board, and the current list of banned items includes more than 1,350 titles. The local media do not submit their news and programs to the Government in advance for approval or censorship, but informal, strict self-censorship "guidelines" are understood by the media. The penalty for publishing material which meets with official displeasure can be severe. Journalists have been jailed for extended periods for overstepping these "guidelines." The two newspapers and the sole government-owned radio station provide adequate and unbiased coverage of international issues. In addition, criticism of the efficiency of some government departments sometimes appears in the media and in parliamentary debate. Foreign journalists must request permission to enter Malawi and must specify in advance the topics they intend to cover.

Limited freedom of inquiry into the natural and social sciences exists at the university and may include some examination of radical political ideologies, provided this does not extend to criticism of the Government.

b. Freedom of Peaceful Assembly and Association

No political meetings are permitted other than those of the Malawi Congress Party. Individuals may be imprisoned if they further the aims of an "unlawful society," that is, any group considered to be "dangerous to the good government of the Republic." In the nonpolitical sphere, individuals and organizations generally are free to meet and associate. Professional, fraternal, and service organizations exist and are encouraged by the Government. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state or preferred religion, but religious groups are required to register with the Government. Except for the Jehovah's Witnesses, religious groups generally may establish places of worship and train clergy. Religious publications, like all others, may not criticize the Government or the party. Most religious groups are free to establish and maintain links with coreligionists in other countries, and members are free to travel abroad. Similarly, foreign missionaries are permitted to enter Malawi and proselytize. However, in 1988, two members of the Pakistan-based Ahmadi sect, which considers itself Muslim despite theological divergences from traditional Islam, were arrested while visiting Malawi to explore the possibility of establishing an

Ahmadi mission. They were held for 6 weeks and subsequently deported. There is no tie between any particular religion and the Malawi Congress Party.

Jehovah's Witnesses, whose religious convictions prevent them from joining political parties, have been banned since 1967. The Government considers the Witnesses' activities to be disruptive of "the prevailing calm, law, and order." Witnesses continue to be arrested and charged on occasion. In 1988 an employee of the U.S. Embassy in Lilongwe was charged with membership in the group and received a suspended sentence.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are few restrictions, in practice, on movement within Malawi, though legal provisions exist for restricting the movement of those convicted of political or criminal offenses. Asian residents and citizens are free to travel within the country but must reside and work in one of four urban areas (Lilongwe, Zomba, Mzuzu, and Blantyre/Limbe). Denial of passports on political grounds frequently extends to family members of persons in political disfavor and to those persons the Government suspects may criticize it if allowed to travel abroad. Civil servants and employees of state-owned enterprises must obtain written permission to travel abroad, even on vacation. Obtaining such a clearance can take from a few days to several months. Formal emigration is neither restricted nor encouraged. There is a small outward flow of political dissidents from the country. Citizenship may be revoked but in practice this is not done.

Malawi has acted in an exemplary manner toward the large influx of Mozambican refugees it hosts. The refugees, located in heavily populated areas with little available land, have placed a great strain on the economy and on the transportation and social services networks. The Government has devoted many of its own scarce resources to assisting the refugees and has permitted international and private voluntary organizations to operate relief efforts. These efforts are coordinated by a committee chaired by the Ministry of Health. The United Nations High Commissioner for Refugees and other international assistance groups are able to travel freely to assess relief needs and to investigate allegations of protection problems. In one apparently isolated incident in March, 6 Mozambican refugees were forcibly repatriated after organizing a protest against delays in receiving rations. The refugees, however, reportedly were allowed to return to Malawi shortly after their repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens of Malawi do not, in practice, have the ability to change their government. Major political decisions are made either directly by the President or those few persons closely associated with him. No opposition political parties or movements are permitted. Membership in the Malawi Congress Party is not mandatory but is often coerced. Membership is expected of those who aspire to government positions (including the Civil Service) or professional success outside of government. Party membership is often required of school children and of those who seek access to government services or entrance to local markets. The annual renewal fee is only about 25 cents, but this can be nearly half a day's pay for a

minimum wage earner. In addition, when the President visits an area, financial contributions from individuals and businesses are expected. Nearly half the population holds at least nominal party membership.

The party structure provides for some choice among candidates for party, parliamentary, and other offices. For example, in the parliamentary elections held in 1987, there were several candidates for election in a number of constituencies. Nearly one-half of the incumbent members of the National Assembly were not reelected. All nominees, however, were selected by the party and approved by the President. Active political campaigning is not permitted. The National Assembly, consisting of both elected and a few appointed members, is mainly concerned with ratifying government policy. Its powers are broadly based in law but highly circumscribed in practice. There is no serious discussion of policy questions during parliamentary debates. Women, who may belong to the party and vote, hold 11 of the 123 seats in Parliament. No women hold ministerial level positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit organizations such as the International Committee of the Red Cross or AI to conduct human rights investigations in Malawi. Nongovernmental organizations devoted to the furtherance of human rights are not permitted to exist. Expressions of interest in alleged human rights problems by outside groups or persons are not welcomed and are usually ignored. Few government officials are even willing to discuss the subject of human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Malawi is one of the world's least developed countries, but the economic and social needs of ethnic Africans are generally met on a nondiscriminatory basis. Asian residents, however, are discriminated against. For instance, Asians, whether Malawian citizens or not, have been compelled to transfer ownership of rural shops and trucking businesses to ethnic African Malawian citizens. Moreover, strict rules governing where Asians may own property result in limitations on where they may reside. Changes in the citizenship law in 1986 eliminated a provision whereby persons who held foreign passports could reside indefinitely in Malawi. These changes in the law, together with actions under the Forfeiture Act (which have been applied in large measure against Asians), have led many in the small Asian community (about 5,000 persons) to leave Malawi and others to question their long-term future there.

Women are generally limited to the roles defined by a traditional African society and do not have opportunities equal to those of men, although the President takes a special interest in the status of women and supports a number of programs designed to benefit them. As mothers, women enjoy access to the traditional health services and to extension programs designed to improve homemaking abilities. Such programs, while beneficial, have not given full recognition to the importance of women as agricultural producers in the rural sector (roughly 70 percent of all smallholder farms and over 50 percent of subsistence holdings are headed by women) and

the potential role women can have in the modern sector. Although males still have a comparative advantage in terms of educational and employment opportunities, the Government has initiated programs to begin to rectify existing discrimination. For example, a third of the positions in the public education system have been reserved for women. Although Malawi's traditional tribal leadership structures are primarily matrilineal, several small ethnic groups grant fewer rights and privileges to women and occasionally continue to practice female circumcision.

Malawi enjoys a considerable degree of ethnolinguistic uniformity. The vast majority of the population speaks or understands Chichewa, which became the national language in 1968. English is the official language for government and business. Malawi's indigenous groups are sufficiently alike in culture and social organization to permit relatively easy interaction, including intermarriage, social and residential intermixture in agricultural settlements, and political cooperation.

Section 6 Worker Rights

a. The Right of Association

In the small wage sector, workers have the right of association, and labor unions exist. However, their activities are highly circumscribed, and they are generally ineffective in achieving gains for workers. The reasons for this are economic as well as political: the economy of Malawi can sustain only a small number of wage earners, most of whom occupy positions as unskilled laborers on large estate farms.

Malawi law provides for the right to strike, but in practice strikes do not occur. Labor unions come under an umbrella organization, the Trades Union Congress of Malawi (TUCM). With government supervision, the TUCM associates with international organizations and is a member of the Organization of African Trade Union Unity and of the International Confederation of Free Trade Unions. The Southern African Trade Union Coordination Council is scheduled to open a permanent office in Malawi in the near future.

b. The Right to Organize and Bargain Collectively

Workers have the legal right to organize. Collective bargaining is allowed, but its use is limited. The Government has set a minimum wage and regulates working conditions but does not intervene overtly in the collective bargaining process. Malawi has no export processing zones, and labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law and is not practiced.

d. Minimum Age for Employment of Children

The minimum working age is 14, but this applies only to the relatively small urban wage sector. In the large subsistence agriculture sector, children work on family farms at a younger age.

MALAWI

e. Acceptable Conditions of Work

Less than 15 percent of the work force is employed in the formal wage sector. For those fortunate enough to hold paid jobs, wages and working conditions are generally adequate, and paid holidays and safety standards in the workplace are required by law. However, enforcement of these standards is limited. Malawi's low wage levels--the minimum wage is about 50 cents per day in the urban areas--reflect the abundance of unskilled labor and the Government's policy of limiting the rural-urban income gap and hence the rate of migration to the towns. Government regulations limit the workweek to 45 hours in the construction industry, and 48 hours in other industries. In practice, most employees work between 37.5 and 42.5 hours per week over 5 days.

MALI

Mali is a single-party state in which effective authority is exercised by General Moussa Traore, President of the Republic and Secretary General of the Democratic Union of the Malian People (UPDM), the country's only legal political party and supreme political entity. President Traore assumed power through a military coup in 1968. The military Government adopted a new Constitution in 1974. Since then, under Traore's leadership, the military have retained a privileged position, but civilians have also played an increasingly important role in daily government operations and in the party. In 1988 military officials held approximately 22 percent of the cabinet portfolios and 25 percent of the seats in the party's Central Executive Bureau. Military officers occupied 4 of the 7 regional governerships, 11 of the 46 districts, and an important number of lower-level administrative posts, particularly in the border areas.

Mali maintains an army and air force, which provide both external and internal security. The gendarmerie (paramilitary police) assists in the latter area. Mali has no special internal security force.

With an annual per capita gross national product of approximately $190, Mali is among the world's poorest countries. Mali is landlocked and lacks major mineral resources. Its economy rests on subsistence farming and animal husbandry. Although data is not yet available, agricultural production in 1988 was expected to increase substantially due to good rainfall. However, any gain in the food supply is offset by Mali's rapidly growing, largely illiterate population, and unemployment is a persistent problem. In 1988 the Government continued its attempts to modernize the economy, particularly through fiscal reform and privatization of state enterprises, but Mali remains heavily dependent on external aid.

Human rights, including political rights, are circumscribed by the Government. However, in 1988 the last known political prisoner was released, the controversial desert prison of Taoudenit was closed, and the Government expanded its practice of permitting citizens to criticize government economic reform policies, corruption, and inefficiency within limited arenas, including the UDPM convention in March. In June 1988, President Traore was elected chairman of the Organization of African Unity (OAU). In his first few months he has been an active OAU President, seeking to resolve numerous outstanding African regional conflicts.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No politically motivated killings were reported.

b. Disappearance

No incidents of disappearance, abduction, or hostage-taking were reported.

MALI

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Government does not condone police brutality and has issued specific instructions prohibiting brutality against suspects. However, physical abuse of suspected persons sometimes occurs during police interrogation or in confronting demonstrations. There were no instances of officials being tried or punished for such actions. Torture is rare, but public beating by the citizenry of persons identified as thieves occasionally takes place.

Prison conditions are harsh and characterized by inadequate medical facilities and food supplies. Several prisons are located in isolated, inhospitable desert regions, which makes it difficult for family members to visit prisoners and provide extra food. However, at one of the more isolated prisons, at Kidal, prison conditions are better than in Bamako's overcrowded central prison. Prisoners are permitted to work outside the prison and are paid a token sum for their work. On the eve of Mali's independence day, September 22, the Government announced the closing of the Taoudenit Prison, an isolated security prison on the site of ancient salt mines in which prisoners worked. In the past, political prisoners have reportedly been held there, and Amnesty International has received reports that two long-term political prisoners died in Taoudenit in 1987.

d. Arbitrary Arrest, Detention, or Exile

The Malian judicial system is based on the French model. Detained persons do not have the right to a judicial determination of the legality of their detention, but arrests cannot be made without formal charges. However, in political cases, the authorities do not always follow this practice. Malian law does not provide for release on bail, but detainees are sometimes released on their own recognizance. Administrative backlogs often cause delays in bringing people to trial. Detainees are usually allowed access to a lawyer of their choice.

Several students from the teacher training college (ENSUP) were briefly detained (and reportedly beaten) on March 2 after a march on the Ministry of Education. The disturbances were part of a series of strikes and demonstrations staged by teachers and students protesting the Government's nonpayment of salaries and scholarships.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A part of the executive branch, the judiciary, is not independent. The Ministry of Justice supervises both law enforcement and judicial functions. The Supreme Court is the highest court, with both judicial and administrative powers. The National Assembly can convene a High Court of Justice to hear cases against state ministers, but this Court did not meet during 1988.

Corruption remains a major political issue, and trials against corrupt officials continue, notably in the Special Court of State Security. Defendants usually admit guilt in the hope of receiving a more lenient sentence and allow their lawyers to argue mitigating circumstances. The verdict and sentence are

rendered by a panel of three judges. The death penalty is mandatory under the law for anyone convicted of embezzling more than $36,000. However, in most embezzlement trials, restitution by the accused can decrease the severity of the sentence. Once convicted, a person can appeal for a presidential pardon or request a new trial. The right to request a presidential pardon or a new trial exists in mandatory death penalty cases.

From November 1987 to July 1988, a Special Court of State Security was convened to try government officials who had misappropriated government funds. Judgments ranged from 20-years in prison at hard labor to not guilty.

On the occasion of the 1988 Malian Independence Day, the Government again pardoned prisoners, including three persons imprisoned for plotting to overthrow the Government. As far as is known, there were no political prisoners being held in Mali at the end of the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Inviolability of the home is provided for in the Constitution and generally respected in practice. Police searches are infrequent, and warrants are issued and recorded, though sometimes after the fact.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Malian Constitution does not expressly provide for freedom of speech and press. However, President Traore, in an address during his state visit to the United States, noted that freedom of expression is respected in Mali. In theory, criticism is permitted within the councils of the sole political party, which all Malians are encouraged to join. Not all Malians are party members, however, and questioning of government authority outside party deliberations is discouraged, although not expressly forbidden.

The Government controls all major Malian media, and all journalists are government employees. There are independent specialty magazines such as Jamana, for cultural and social news, or Podium, for sports news, that contain some political commentary and circulate freely. While questioning of government authority is not permitted, media and public criticism of specific programs and the performance of some government offices or office-holders is allowed. Prior to the 1987 Extraordinary Party Congress, the President himself participated in a series of public meetings in which charges of corruption were leveled against his Government.

Academic freedom does not include the right to criticize the Government, nor is this right extended to the only recognized labor union, which is considered by many to be an arm of the Government. The union has, however, occasionally expressed some criticisms. Private Malian publications which are more than mildly critical of the Government do not exist, but international publications, even those critical of Mali and its Government, are available. Satire and social criticism in the media, sometimes with a political cast, are not common but are occasionally encouraged by the Government.

b. Freedom of Peaceful Assembly and Association

The Malian Constitution provides for the right of citizens to form organizations to protect their "professional interests," but in reality only selected nonpolitical organizations such as urban professional associations qualify. The only groups which assemble freely are the women's, youth, and similar associations of Mali's single political party.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Mali is a secular state. The Government generally does not discriminate on religious grounds. Although 90 percent of Malians are Muslim, most other religions may practice their faiths freely and are permitted to establish houses of worship as well as schools. Christian missionaries of various faiths enjoy government cooperation. Proselytizing and conversion are permitted, except in the case of the Baha'i, who may practice at home but may not proselytize or establish houses of worship.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement in Mali is generally unimpeded, although police checks sometimes occur in which Malians and foreigners alike are stopped, particularly at night. These checks are used ostensibly to restrict the movement of contraband goods. In practice, some police probably supplement their frequently delayed salaries by assessing ad hoc fines or confiscating goods. Malians are free to change residence or workplace. Foreign travel requires an exit visa, but this is easy to obtain. Repatriation is not restricted.

In the past drought years, Mali both accepted and generated displaced persons. Several thousand Malians were repatriated from Algeria in 1986 and 1987. In 1987 Mali also welcomed back over 100 Malians deported from France.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have limited and infrequent opportunity to influence their government and no ability to change it. Important policies and decisions are made by a small group--the President, the 19-member Central Executive Bureau of the UDPM, and the Council of Ministers. The memberships of these groups overlap. The military role in governing Mali remains important, but civilian participation in the leadership groups has been growing. Party congresses, including the one held in March, are called by the President to consider special issues, such as recent issues of political participation and corruption. The 1987 Special Party Congress adopted a new National Charter of National Reorientation of Public Life, calling on Malians to dedicate efforts to economic development. The Congress also appointed a special commission to assist the Secretary General of the party to recruit new leadership and encourage greater public participation in the party and, by extension, the Government. These efforts continued throughout 1988.

Within the one-party system, multiple candidates often contest party elections at the local level, but for National Assembly elections, which are held every 4 years, only one carefully selected party candidate runs for each seat. Proposed legislation is debated and endorsed in the National Assembly after its acceptance by the Council of Ministers and review by the Supreme Court. Party membership is a prerequisite for voting and for holding a civil service appointment or other government position. All citizens are encouraged to join for a nominal fee.

While underrepresented, women are present at all levels of the Government and in the party. Two women are cabinet ministers, and one is in the party's Central Executive Bureau. One woman, the President of the Malian Women's Association, is a member of the National Assembly. A few women serve in the armed forces and the police department.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is generally responsive to inquiries by recognized human rights groups, but there are no local organizations to monitor human rights. The Ministry of Foreign Affairs handles inquiries from Amnesty International or other international human rights organizations. Mali does not play a major role in international human rights forums, although this may change as a result of President Traore's tenure as OAU Chairman.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Mali does not practice religious or ethnic discrimination, nor does it have the civil and racial strife evident in many other multiethnic countries. Virtually all of Mali's ethnic groups are represented at the highest state and party levels. Although some nomadic groups such as the Tuaregs are not completely integrated into the economic and political mainstream, Mali is relatively free of ethnic tensions.

Social and cultural factors place men in the dominant position in Mali. However, women play an important economic role, both in market life and in farming. Custom tends to restrict women to "women's issues" when they participate in politics. The Malian Women's Association focuses primarily on establishing cooperatives, improving health programs, fostering education, and campaigning against female circumcision, which is still widely practiced.

Section 6 Worker Rights

a. The Right of Association

The National Union of Malian Workers (UNTM), composed of 12 unions, is Mali's only recognized workers' organization. The UNTM claims to maintain a degree of autonomy from the Government, and unlike the women's and youth associations, it is not officially a part of the UDPM. It has on occasion offered limited criticisms of certain government programs. It is, however, subject to considerable government influence and control, and the UNTM Secretary General is a party member, although not a member of the Central Executive Council (BEC) of the UDPM. The UNTM maintains contacts with international

labor organizations, both public and private. The UNTM is affiliated with two international labor bodies: the Organization of West African Workers and the Organization of African Trade Union Unity.

Within limits, strikes have been permitted, but they rarely occur. Given Mali's high level of unemployment, most workers are reluctant to strike for long periods of time. Basically, any union planning to go on strike must notify the UNTM and get prior approval. In the case of the student strikes of 1988, no approval was given, but the strikes still took place.

In January teachers and students struck for approximately 1 month over nonpayment of their salaries and scholarship stipends. News reports stated that 85 teachers of a branch of the National Education and Cultural Association who participated in the strike were later transferred, but government sources maintained that these were normal transfers and that some of the strikers had illegally infringed on the right of others to work. Protests subsided for several weeks, but on March 2 students from the teachers' training college marched from their school to the Ministry of National Education to protest the transfer--which they believed was arbitrary--of one of their teachers. Some students were reportedly held for several hours by security forces, but were later released. The protests subsided after the Government made back payments of salaries. In November the ILO's Committee on Freedom of Association concluded that the antiunion reprisals taken by the Government of Mali against the striking teachers, which were said to include transfers, dismissals, and arrests, constituted an infringement on their freedom of association.

b. The Right to Organize and Bargain Collectively

The limits to collective bargaining are arbitrary. The Malian Constitution specifically provides for the liberty of citizens to form organizations to protect their "professional interests," and there are no specific constraints by the Government or employers on workers attempting to organize. In practice, Mali's unitary party system has effectively inhibited the development of independent, politically oriented labor unions. At present, there are no unions not affiliated with the UNTM.

There are no export processing zones in Mali, and labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited. This prohibition is generally observed in practice. Duly convicted criminals may perform various jobs; at the prison at Kidal, they are paid for this work. There have been reports that a form of traditional slavery is still practiced in some isolated parts of the country.

d. Minimum Age for Employment of Children

The minimum age for employment is 14, but with parents' permission children can be apprenticed at 12. In practice, children in rural areas join the family farming work force at a much younger age. As workers in the informal sector, they are not protected by laws against unjust compensation, excessive hours, and capricious discharge.

MALI

e. Acceptable Conditions of Work

Mali has a detailed labor code specifying conditions of employment, including hours, wages, and social security benefits. The minimum wage is approximately $42.50 per month, which could provide a "decent" standard of living, if it went to support only one person. However, many wage earners support extended families. Health and safety standards vary, depending upon the category of work, but there is limited enforcement due to the lack of inspectors. Employers are required to pay into a national social security fund.

MAURITANIA

The Islamic Republic of Mauritania has been governed since 1978 by the Military Committee for National Salvation (CMSN). Colonel Maaouya Ould Sid'Ahmed Taya, President of the Committee and Chief of State, assumed power in 1984 after the bloodless ouster of the former president, Lt. Col. Mohamed Khouna Ould Haidalla. All 19 members of the Military Committee hold ministerial portfolios or occupy other key military or government positions. The Committee functions as a legislative body, whereas the President, assisted by a few close advisors, wields the executive power. Political and opposition parties are not allowed in Mauritania.

The security forces number about 16,000 and, in addition to the regular armed forces, include the national guard, the gendarmerie (a specialized corps of paramilitary police), and the police. The national guard, gendarmerie, and police all have internal security functions. In 1987 and 1988, the Government purged security forces of hundreds of suspected dissidents.

Mauritania continues to face massive economic and social problems: droughts and desertification, the Western Sahara conflict, ethnic tensions, extensive unemployment, one of the highest per capita foreign debts in Africa, poor infrastructure, inadequate health and education systems, and a mass exodus from rural areas. Although adequate rains fell in recent years, the prior drought years forced large numbers of nomads into towns. This forced migration resulted in urban refugee camps, a weakening of traditional Maur nomadic culture, and a severe strain on government resources. According to government estimates, 20 years ago 85 percent of the population was nomadic; in 1987 only 15 percent remained in the desert.

President Taya has publicly advocated a harmonious, multiethnic society. The tensions between Mauritania's Toucouleur black African ethnic group and the ruling Arab-Berber population, however, continued in 1988 and resulted in serious human rights abuses. In the wake of the 1986 unrest and the 1987 coup plot led by Toucouleur military personnel, the Government in several trials sentenced 3 to death and 78 to various prison terms including life imprisonment. The Government carried out the death sentences swiftly and moved all the convicted Toucouleurs to a prison in the remote desert town of Oualata. The Government also dismissed from the security forces several hundred Toucouleurs it suspected of involvement in the plot. Conditions at the desert prison in Oualata were so harsh that at least four Toucouleurs died since September 1988. During the first 6 months of 1988, the Government imposed a dusk-to-dawn curfew in Boghe, a predominantly Toucouleur urban area of over 30,000 that is the hometown of many of the plotters, and imposed tight restrictions on travel to and from the city. Many Mauritanian black Africans interpreted the Government's actions to mean continued discrimination and domination by the Maurs of the country's political, social, and economic life. In 1988 the Government also faced opposition within the Maur community. In September it tried 16 alleged Baathist ringleaders for conspiring with a foreign power to threaten the security of the State.

MAURITANIA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Mauritanian law proscribes the use of torture. There were, however, recurring credible reports during the summer of 1988 that the security forces used torture to extract confessions from Baathist activists. Moreover, in an anticrime drive in Nouakchott, there were reports that police used torture to force suspects to admit to certain crimes. There were more reports of mistreatment of prisoners in 1988 than at any other time during the Taya regime.

During most of 1988 the Toucouleurs imprisoned at Oualata were held in very harsh conditions. They were reportedly kept in chains in poorly ventilated cells and were only allowed to leave the cells for a few minutes each day. They were denied sufficient food, water, and adequate medical care, any change of clothing for months, and sanitary facilities, which forced them to use the cells as toilets and facilitated the spread of disease. The prisoners' families were denied permission to visit. In late 1988, at least four inmates died and several others were reportedly in serious condition. One of these inmates, an elderly person already in poor health before his transfer to Oualata, may have died of old age. Another reportedly died of malnutrition, and a third of malaria.

The cramped and unsanitary cells at Oualata are typical of all Mauritanian prisons. The poor medical care is largely attributable to the dearth of medical personnel and facilities in the remote desert town of Oualata. While some of the abuses were triggered by the poorly supervised guards, it appears the authorities in Nouakchott reacted slowly to reports about the deteriorating health of several prisoners. Moreover, the decision to deny the prisoners family visits was reportedly taken by the central authorities in Nouakchott. The Government has since announced steps aimed at correcting these problems. The responsible prison director has been dismissed and arrested and is awaiting disciplinary action. A doctor was sent to Oualata to treat the prisoners. A few weeks later, the Government transferred most of the Toucouleur prisoners to less remote prisons and provided better medical facilities. It also promised to let the prisoners receive family visits, although such visits had not taken place by the end of 1988.

In the spring, high school students staged several days of violent demonstrations to protest modifications of the national university entrance examination. The police arrested several dozen students, some of whom were beaten before they were released.

MAURITANIA

d. Arbitrary Arrest, Detention, or Exile

Mauritanian law assures expeditious arraignment and trial, access to legal counsel, and the right of appeal. The courts must review the legality of a person's detention no more than 72 hours after his or her arrest. There is no system of bail. Compliance with the law is spotty, however. In late 1987 and 1988, the Government detained persons, sometimes for prolonged periods, without formally filing charges against them. For example, in September 1987, the Government dismissed and detained without charge for more than 6 months the three top financial figures in the Government for their alleged involvement in the illegal transfer of funds abroad. Similarly, in late 1987 and 1988, the Government interrogated at length and detained without charge for days, in some cases for weeks, scores of Baathist and Toucouleur activists whom it suspected of subversion.

Internal exile is a method of removing opposition figures from the public eye. Former President Haidalla and five of his associates who were arrested during the 1984 coup, but never formally charged, remain in internal exile in remote locations.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Taya Government continues to function under the Shari'a (Islamic law) put in place during the Haidalla regime. The Ministry of Justice plays the major role in administering the Shari'a and selecting judicial personnel. The Shari'a applies to most crimes and offenses, with the exception of commercial and banking offenses, traffic violations that cause bodily harm, and offenses against the security of the State. These three categories of offenses are all handled by the special court, which renders its judgments on the basis of laws modeled after French law. The Taya administration has urged the Islamic judges not to use extreme physical punishments, such as amputations, which occurred during the Haidalla regime. The Taya Government is slowly eliminating a number of unqualified Shari'a judges who were appointed during the Haidalla years. By virtue of a recent government decision, judges cannot be tenured before 7 years.

While trials in the ordinary courts are public, the State Security Court, which tries offenses against state security, may conduct secret trials. All defendants, regardless of the court, have the right to be present with legal counsel during the proceedings. If necessary, the latter is provided counsel at public expense. Defendants may confront witnesses and present evidence. They may appeal the sentences of the ordinary courts but not those of the security court. While the judiciary is nominally independent, some observers claim that judges sometimes take their cue from the Government when sentencing opponents of the regime.

In September 1988, the State Security Court tried in an open proceeding 16 alleged ringleaders of Mauritania's clandestine Baathist Party. The defendants were accused of having ties with a foreign power, forming a clandestine organization within the armed forces that threatened the security of the State, and not denouncing subversive activities. The Court sentenced 13 of the accused to prison sentences of from 2 to 5 years and acquitted 3 in a public trial that, in contrast to the security trials of 1986, many observers considered fair.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Government interference in private affairs is limited, except in instances where treason is suspected. Reflecting the nomadic penchant for privacy, the lack of sophisticated equipment to undertake surveillance, and the isolation of many parts of the country, the Government normally limits its surveillance to patrols on major highways and customs checkpoints, occasional nighttime inspections of vehicular traffic, and inspections of mail suspected of containing currency or prohibited items. Under Mauritanian law, the police require warrants to perform home searches, although this requirement is more often honored in the breach. During an anticrime drive in mid-1988, there were reliable reports of random beatings at checkpoints and frequent house searches, directed in particular at black Africans. The Government maintains an active informer system that closely monitors persons suspected of antiregime activities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press:

Freedom of speech and press is restricted. Mauritanians criticize government policies in conversations with friends and relatives, and they do not appear especially inhibited in speaking with foreigners. Military personnel are under tight surveillance, however, and views expressed privately that could be construed as even mildly critical of the Government are likely to be the subject of intense interrogation by military security officers. The Government is quick to react to any public comments it thinks pose a threat to the security of the State, as evidenced by the crackdowns on Toucouleur and Baathist dissidents. Many of those arrested or convicted during the crackdowns, including journalist Ibrahima Sarr, former Minister of Health and Social Affairs Djibo Tafsirou, and university lecturer Saidou Kane, were targets because they had printed or distributed literature that criticized the Government. In particular, the Government responds sharply to any expression of ethnic dissatisfaction or questioning of the Government's legitimacy.

Private discussions within the family or tribe are active and used as a vehicle to present dissenting views. President Taya invites views of traditional local leaders during his visits to rural areas.

Mauritania's only daily newspaper and the radio and television stations are government owned and operated. In the past, the Government did not allow any media criticism of government policies or authority. But in 1987 and 1988, the Government experimented by permitting a panel to interview government officials on television. In these broadcasts, the authorities tolerated limited criticism of government decisions and policies. In early 1988, the Government authorized the publication of two privately owned monthly magazines, Mauritanie Demain and L'Evenement. While these publications have on occasion discussed controversial social issues, they have refrained from any criticism of the Government.

b. Freedom of Peaceful Assembly and Association:

Mauritanian law recognizes the rights of assembly and association, but since the 1978 coup the Government has banned

all political movements and generally prohibited meetings of a political nature. Any formal grouping must be registered with the Minister of Interior. The Government usually does not interfere with assemblies and associations as long as they avoid political activity. The Government did, however, allow large but controlled demonstrations and rallies to take place during the 1986-87 and 1987-88 campaigns for local municipal councils.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Islam is the official religion of Mauritania. Virtually all citizens are Muslim. Mauritanian Muslims are prohibited from entering non-Islamic houses of worship and from converting to another religion. Proselytizing by non-Muslims and the construction of Christian churches and other non-Islamic houses of worship are prohibited without government permission.

The Roman Catholic community in Mauritania has five churches which operate freely as long as they restrict their services to resident foreigners. However, in 1988 the authorities clamped down on the Catholic Church's programs, which started in 1982, to conduct catechism classes (and occasional masses) in a house the Church had rented for this purpose in one of Nouakchott's poorer neighborhoods. Those using the house were non-Mauritanian black Africans from several West African countries. In the summer, the police raided the house, confiscated some religious material, and detained several persons who were present at the site. While these persons were subsequently released, the authorities have since prevented the Church from using the house for religious purposes. The authorities have not given the Church any explanation for this change in policy.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation:

There are habitually no restrictions on movement within this large country, where nomadism long was the prevailing way of life. Travelers, however, are subjected to routine police and customs checks along major highways and at the country's international and domestic airports.

During times of political unrest, such as after the abortive Toucouleur plot of late 1987 or during the 1988 crackdown against Baathist dissidents, the Government imposes a curfew at night in the major cities. In addition, during the first 6 months of 1988, the Government imposed a dusk-to-dawn curfew in Boghe, a Toucouleur stronghold and the hometown of many of the plotters involved in the abortive 1987 plot.

Since 1985 Mauritanians no longer need an exit visa to travel abroad. In 1987, however, the spouse of one of the Toucouleur prisoners held at Oualata was denied a passport when she sought to travel abroad. The Government has invited back the political leaders who fled into exile prior to 1985, and almost all have returned. During the 1988 crackdown on Toucouleur dissidents, some activists fled the country and are now in exile.

MAURITANIA

As a result of the ongoing conflict in neighboring Western Sahara between Morocco and the Polisario Front, a small number of refugees from the Western Sahara have settled in Nouadhibou and other northern towns. There are, however, no acknowledged political refugees in Mauritania.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In practice, citizens of Mauritania are unable democratically to change their Government at the national level. All political power rests in the hands of the military regime. The Military Committee for National Salvation (CMSN) remains the "custodian of the nation's sovereignty." All executive and legislative functions reside with the Committee. Membership is limited to military officers who occupy ministerial positions or important military and security posts. The CMSN is predominantly Maur, although several members of Mauritania's black African ethnic groups are members. The most prominent Toucouleur on the CMSN lost his position in the wake of the 1986 Toucouleur unrest.

The Government uses a quasi-political organization, the Structure for the Education of the Masses (SEM), to mobilize the people to carry out local improvement projects, to relay policy statements, and to serve as a channel to discuss grievances. SEM's are found at all governmental levels down to villages and neighborhoods. In practice, most grievances are discussed at the family or tribal level and passed along to influential governmental figures of the same family or tribe.

A limited move toward popular participation in local government has occurred since 1986 in a series of elections for city councils throughout the country. All Mauritanian residents of these localities aged 21 and over were entitled to vote; the ballot was secret. In most localities, two or more slates of candidates competed for the electorate's vote. The Government stipulated that each slate must comprise people from different ethnic groups and tribes. Campaigning was vigorous, and candidates were allowed to use the media to spread their views. Candidates could only discuss municipal issues, however, and could not address larger political issues. In most locations the elections appear to have been fair, but there were credible reports that local authorities in several towns, including the Toucouleur town of Boghe, prevented some slates from holding rallies and denied their supporters the electoral cards they needed to vote.

Despite these electoral shortcomings, the newly elected municipal councils have evolved into genuine decisionmaking bodies, handling most municipal issues with little central government interference. The Government plans to hold further municipal elections in 164 rural communes in early January 1989.

A woman was recently appointed as Minister of Women's Affairs, Crafts and Tourism, and a number of others have moved into senior or midlevel government positions. Although few women were on the lists of municipal council candidates, large numbers of women turned out for the election rallies in support of their candidates.

MAURITANIA

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Taya Government is responsive to human right concerns, and it has cooperated with the U.N. Human Rights Commission Working Group on Slavery by allowing a representative to come to Mauritania to obtain information on this issue. In 1987 the Government permitted representatives of Amnesty International (AI) to visit Nouakchott for discussions on the Toucouleur issue and in September 1988 allowed a representative of AI to attend the trial of the Baathist activists. Also in 1988, a delegation from the International Commission of Jurists and the Chairman of the African Jurists Association visited Mauritania to review human rights practices.

As a result of President Taya's public commitment to an ethnically harmonious society and a return to basic human rights, the Mauritanian Human Rights League was formed in 1986. The League, which is affiliated with the Paris-based International Federation of Human Rights, is staffed by volunteers who work within the government framework to address such concerns as eradicating the last vestiges of slavery, ensuring the uniform application of Shari'a law, promoting the status of women, and preventing abuses such as arbitrary arrest and torture. While constrained by a lack of financial resources and careful not to antagonize the Government, the League has nonetheless insisted that the rights of all prisoners be respected, and its observers monitored the security trials in 1987 and 1988. In November the League issued a public communique, published in the media, which criticized the Government for failing to allow the League or family members to visit the prisoners at Oualata and requested an official inquiry into the deaths of the four prisoners. Some black African Mauritanians, however, have alleged that the League, the majority of whose members are Maur, is biased against Mauritania's black African ethnic groups.

In March the Mauritanian Human Rights League hosted the first Conference on Maghreban Human Rights, which was attended by an Algerian human rights organization and Moroccan human rights activists. Observers from the Mauritanian Ministry of Justice and AI also attended.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Mauritania is situated geographically and culturally on the divide between the Arabic-speaking Maurs of the north and the sedentary blacks of the African south. The interaction of these two groups produces the complex cultural diversity which fuels ethnic and racial tensions inherent in Mauritanian society. Recent movements of nomads to the south as a result of the drought have exacerbated tensions, culminating in the 1986 Toucouleur agitation and the subsequent arrest of Toucouleur activists. Historically, and especially since independence in 1960, the Arabic-speaking white Maurs have dominated the political and economic system. Taken together, however, the Arabic-speaking black Maurs and Mauritania's black African groups (Toucouleur, Soninke, and Wolof) constitute a clear majority of the population. Although this black majority is by no means cohesive--the black Maurs, for example, identify in many ways more closely with the white Maurs--many blacks believe they are entitled to more political

representation. The black population is represented at all levels of government, although it is underrepresented in relation to its proportion of the population.

Many Toucouleurs also believe that white Maur domination in government, state enterprises, business, and religious institutions is a result of racial discrimination. Their grievances include such issues as language (Arabic rather than continued use of French), limitations on educational opportunities, and misapplication of the law on land reform. They view the Government's new land reform law as a means of allowing wealthy white Maurs access to potentially productive tracts of land in traditionally Toucouleur areas. The loss by some sedentary African blacks of large tracts of land in the Senegal River Valley area has resulted in a scramble by Toucouleurs and other southern blacks to register their land with the appropriate authorities, an alien practice for people who traditionally have looked upon land as community property.

Women in conservative Mauritanian Muslim society are often limited to traditional roles, especially outside the few urban areas. Only half as many women as men avail themselves of educational opportunities. Nevertheless, the Government is encouraging the entry of women into the professions, government, and business. In addition, the Government has been opening up new opportunities for employment in work traditionally reserved for men, e.g., certain jobs in hospitals. According to Mauritanian labor laws, men and women must receive equal pay for equal work. Mauritania's two largest employers, the civil service and the state mining company SNIM, respect this law. In smaller private enterprises, wages are often determined by informal bargaining, leading to sometimes significant discrepancies in what two persons are paid for the same work.

Section 6 Worker Rights

a. The Right of Association

Workers are free to establish unions at the local and national level. There are currently 33 trade unions in the country. All, however, must be affiliates of the Union of Mauritanian Workers (UTM), by law the country's only central labor body. The trade unions and the UTM elect their leadership democratically, and they are free to determine their programs and policies, provided these avoid political issues. The UTM is an active member of the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity and represents Mauritanian workers in the International Labor Organization.

Mauritanian law grants workers the right to strike. In practice, however, the Government discourages strikes, and they rarely occur. Under Mauritanian law, tripartite arbitration committees, composed of union, business, and government representatives, may impose binding arbitration that automatically terminates any strike.

The UTM, which once played a significant role in Mauritanian economic and social life, has been paralyzed for the past several years by bitter factional disputes. Under government prodding, however, the UTM planned to hold elections and a national UTM congress to resolve these disputes and elect a new national leadership, but these had not taken place by the end of 1988.

MAURITANIA

b. The Right to Organize and Bargain Collectively

Unions are free to organize workers without government or employer interference. The laws providing workers protection against antiunion discrimination are regularly enforced. Collective bargaining, notably to set wages, occurs informally between individual unions, employers, the Government, and the UTM. In addition, employees or employers may bring labor disputes to three-person labor courts that are overseen jointly by the Ministries of Justice and Labor. Labor leaders regard these courts as unbiased and effective. There are no export processing zones in Mauritania, and labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

The subject of forced labor is tied to the vestiges of slavery which exist in some areas of the country. Slavery in Mauritania was officially abolished in 1980. Nevertheless, some persons whose ancestors had worked without pay for generations for a particular family still occupied positions of servitude in 1988, in part because of the economic hardships they would have encountered had they left. In certain remote areas, however, persons were sometimes held against their will and forced to perform unpaid labor. The authorities stop such practices when they come to their attention. The Taya regime is making a systematic effort to appoint members of the former slave caste to high government and military positions as a visible indication of the end of slavery.

d. Minimum Age for Employment of Children

Education is not compulsory in Mauritania; however, by law no child may be employed before the age of 14 in the agricultural sector without the permission of the Minister of Labor and the National Labor Council, nor before the age of 15 in nonagricultural sectors. The law provides that employed children aged 14 to 16 years should receive 70 percent of the minimum wage, and those from 17 to 18 receive 90 percent of the minimum wage. Although there are no figures available, child labor (except in the family owned agricultural sector) is not widespread.

e. Acceptable Conditions of Work

In 1988 the guaranteed minimum wage for adults was equivalent to $70 per month. These wages barely enabled the average family to meet its minimum needs. The standard, non-agricultural workweek in Mauritania cannot exceed either 40 hours or 6 days without overtime compensation, which is paid at the following rates: 41-48 hours--115 percent; 49-54 hours--140 percent; 55-plus hours--150 percent of the base wage. However, information on actual wage levels is scanty and often unreliable. Enforcement of the labor laws is the responsibility of the Labor Inspectorate, Ministry of Labor, but in practice is limited by the shortage of trained personnel.

MAURITIUS

Mauritius is a small, densely populated island nation with a functioning parliamentary democracy modeled after that of Great Britain. It is governed by a prime minister, council of ministers, and legislative assembly. The Governor General, with largely ceremonial powers, represents Queen Elizabeth II, the titular Head of State. Elections at national and local levels take place at regular intervals. There are four major political parties, reflecting a wide range of ideological views, and several smaller parties. Executive power has changed hands twice in the last 7 years through fair and orderly elections supervised by an independent commission. Municipal elections in October 1988 renewed the main opposition party's control of the five largest cities. Prime Minister Jugnauth's coalition had its mandate renewed in general elections in August 1987.

Mauritius has no military forces and depends on the paramilitary 700-man Special Mobile Force and the 240-man Special Support Unit for internal security. These forces, under the command of the Commissioner of Police, are apolitical, well-trained, and backed by a general duty police force of approximately 4,000 men.

Mauritius has a mixed economy, based on sugar production, tourism, and textiles, with a strong private sector. In 1988 the economy continued its growth, registering an estimated 5-7 percent growth rate and creating some 12,000 jobs. The World Bank estimates Mauritian gross national product per capita at $1,470. Mauritius has followed a successful path of structural adjustment with private sector stimulation, especially in furthering exports through its free trade zone. Gross domestic product has grown from $991 million in 1985 to $1.5 billion in 1988. Unemployment has dropped from 22 percent in 1982 to 4 percent currently.

Mauritius has a good human rights record. Political and civil rights, including the freedoms of speech and press, are protected under the Constitution and respected in practice. Mauritius' judiciary is independent, the legislature plays an increasingly active role in shaping national policy, religious freedom is respected, and there is an active labor movement.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearance of persons for political causes.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman punishment are prohibited by law, and there were no reports of such treatment.

MAURITIUS

d. Arbitrary Arrest, Detention, or Exile

There have been no reports of arbitrary arrests or detentions since the early 1970's. Detained persons have the right to a judicial determination of the legality of their detention. In practice, this determination is usually made within 24 hours. Bail is commonly granted. In 1986 the Supreme Court ruled invalid a section of the Dangerous Drugs Act of 1986 which had provided for detention without bail for persons arrested under Clause 46(2) of the Act.

Exile is legally prohibited. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Mauritius' judicial system, modeled on that of Great Britain, consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Queen's Privy Council in the United Kingdom and is routinely made in the cases of death sentences. There are no political or military courts. The judiciary is independent. The Governor General nominates the Chief Justice, in consultation with the Prime Minister, and nominates the senior puisne (associate) judges in consultation with the Chief Justice. The Governor General nominates other judges on the advice of the Judicial and Legal Service Commissions. The legal system has consistently provided fair, public trials to those charged with crimes. Defendants have the right to private or court-appointed counsel. The judiciary is also charged under the Constitution with ensuring that new laws are consistent with democratic practice. There are no political prisoners in Mauritius.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is guaranteed by law and generally respected in practice. The search of personal property or premises is allowed only under clearly specified conditions by court order or by police decision if an illegal act has been committed in the presence of a police officer. There have been reports from reliable sources that the Government's intelligence apparatus occasionally opens mail and carries out surveillance of local opposition leaders and other major figures.

In October 1986, the Legislative Assembly amended the Constitution with regard to drug traffickers and drug trafficking in Mauritius. The legislation increased the powers of any commission of inquiry to look into personal finances, including bank accounts; provided for fines of persons who refuse to testify; provided for fining a bank and revoking its license if it refuses to cooperate in a financial investigation; and provided for the seizure of all assets of convicted drug traffickers who cannot prove that the assets in question were obtained legally.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is protected by the Constitution and by local tradition. Sixteen privately owned daily, weekly, and monthly newspapers present varying political

viewpoints and freely express partisan views. Newspapers are subject only to the legal constraints of libel laws. The Government owns the one television and two radio stations (one strictly educational), broadcasting in five languages. The television and radio are reasonably objective in news and entertainment presentation, although opposition politicians occasionally accuse the broadcasting corporation of political bias in its news coverage. Television and radio broadcasts are also easily received without interference from the nearby island of Reunion (a French Department). The Government can review foreign broadcast program material and may delete segments considered offensive to local mores or politically sensitive. The Government sometimes delays the broadcast of local religious ceremonies. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Mauritians enjoy the right to form associations, including political parties, trade unions, and religious organizations. Mauritius has a multitude of such private organizations. Political, cultural, and religious assemblies are commonplace. Although police permission is required for holding demonstrations and mass meetings, such permission is rarely refused. The registered political parties freely held large public rallies during the campaign for the August 1987 general elections and the October 1988 municipal elections.

c. Freedom of Religion

There is no official state religion in Mauritius. Hindus, Christians, Muslims, Buddhists, and others openly practice, teach, and proselytize their religions without prejudice. All religious institutions receive state subsidies in proportion to their memberships. There is no state-sanctioned discrimination against any ethnic or religious community. Foreign clergy require work permits, which are processed on a case-by-case basis.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on full freedom of movement within the country. Foreign travel, emigration, and repatriation are also unrestricted.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Mauritius is governed by a freely elected, unicameral Legislative Assembly, with executive direction coming from a Council of Ministers, currently headed by Prime Minister Sir Anerood Jugnauth whose Alliance coalition won elections in 1983 and 1987. The Governor General has the right to designate the person charged with forming a new government following parliamentary elections or a parliamentary crisis. Parliamentary, municipal, and village council elections are held at regular intervals. Voting and running for office are rights of all citizens 18 years of age and over. In the Legislative Assembly, 8 of the 70 members are appointed through a complex "best loser" system designed in part to ensure that all ethnic groups are adequately represented. The governing Alliance coalition consists of 3 parties and controls 41 of the 70 seats. Political parties often match the ethnicity or religion of their candidates to the composition of particular electoral constituencies. The

majority Hindus, by virtue of their number, tend to dominate the national political scene and the civil service. Five of 70 members of the Legislative Assembly and 2 of 18 Ministers are women.

In the August 1987 parliamentary elections, 89 percent of the 553,364 eligible voters cast ballots. Only 9,512 votes separated the winning and losing coalitions. The opposition controls the five major municipalities, and government parties did not contest the October 25, 1988 municipal elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

There have been no known requests by international organizations to investigate human rights violations in Mauritius. Amnesty International maintains two branches in Mauritius. There are several local human rights groups which address the internal situation in Mauritius without governmental intrusion.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women in Mauritius participate in all types of political, business, and social activities, and a few hold important positions. Nonetheless, traditional ethnic and religious attitudes hamper women in achieving true parity. The Government seeks to improve the status of women, and recent amendments to laws ranging from emigration to inheritance have removed sex discriminatory sections. An interministerial committee, headed by one of the female ministers, has been active since 1985 in addressing remaining discriminatory elements in local laws and practices. Nevertheless, discriminatory laws and regulations remain, including prohibition against women serving on juries.

Moreover, the illiteracy rate for women (20 percent in 1983) is about twice that of men. While women are highly sought for employment in manufacturing plants, they tend to occupy the less skilled and lower paid positions and are particularly susceptible to layoffs during economic downturns. Twice as many women as men were employed in the Export Processing Zone as of March 1987, according to the Central Statistical Office. The average industrial salary for women is about 50 percent that of men. The Minister for Labor and Industrial Relations, Women's Rights, and Family Welfare has indicated, however, that middle management training for women is one of her ministry's priorities.

Section 6 Worker Rights

a. The Right of Association

Mauritius has an active trade union movement. Almost 300 unions, for the most part grouped in 9 umbrella organizations, represent about 100,000 workers, more than one-fourth of the work force. Unions are free to organize workers in all sectors, including the Export Processing Zone (EPZ), which employs about 90,000 workers. The EPZ is a remarkably successful free trade zone in which goods and materials are imported free of duty, processed with Mauritian labor, and reexported. Unions can press wage demands, establish ties to domestic political parties and international organizations,

and address political issues. Three of the five trade union activists who ran in the 1987 general elections were elected to the Legislative Assembly on the government slate. One leading federation actively supports the opposition party. The largest confederation, the Mauritian Labor Congress, is a member of the International Confederation of Free Trade Unions. It and three other national labor centers belong to the Organization of African Trade Union Unity.

In theory, unions have the right to strike. However, in labor disputes, the Industrial Relations Act (IRA), patterned after a British model, requires a prestrike, 21-day cooling-off period followed by binding arbitration, which has the effect of making most strikes illegal. Refusal to follow IRA procedures in a mid-1988 textile plant strike led to the imprisonment of three union leaders for several days. The Government supported labor/management negotiations which resulted in the reemployment of most of the striking workers.

b. The Right to Organize and Bargain Collectively

Unions possess the right to organize and bargain collectively. Mauritian labor legislation, including the Industrial Relations Act, applies equally to the Export Processing Zone as it does to the rest of the labor sector and has been enforced with equal vigor.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits any form of forced or compulsory labor, and this prohibition is observed.

d. Minimum Age for Employment of Children

Children below the age of 14 cannot be legally employed, although scattered cases of child labor are reported.

e. Acceptable Conditions of Work

Conditions of employment in Mauritius, including wage and leave conditions, are generally sufficient to afford an acceptable standard of living for workers in the agricultural, service, and manufacturing sectors. Government, private welfare groups, and labor unions serve as watchdogs on potential employer abuses. A maximum workweek of 45 hours is allowed. The Government mandates minimum wage increases each year, based on inflation. The current minimum wage for unskilled labor in the Export Processing Zone is $8 per week during the first year and $10 per week thereafter.

In 1987 the Government awarded a wage increase (12.6 percent) in the public service. Pay increases (10.15 percent) were also approved for the private sector, including the sugar industry and the EPZ. At the same time, the Government addressed the issue of overtime work in the EPZ due to complaints that EPZ employers imposed long hours of overtime on employees--about 10 to 20 hours per week, making for a 55- to 65-hour workweek. In the revised remuneration orders of July 1, 1987, the Government stipulated that no employee would be required to perform extra hours of work in excess of 10 hours per week, except with his or her consent. In addition, new remuneration rates for overtime (above the regular 45-hour week) were introduced. In addition to wages, the Government also increased the social benefits to old age pensioners,

unemployed persons, widows and orphans, and handicapped persons. A commission on salaries headed by British expert Donald Chesworth recommended salary increases, especially at middle and lower levels, that would cost approximately $42 million. The Government decided to implement the report and to pay the arrears for the July-October 1988 period in November 1988. The unions have been generally satisfied with the Government's action, but some economists are concerned about the inflationary impact of the increases.

MOZAMBIQUE

Mozambique is a one-party state led by President Joaquim Alberto Chissano. The Front for the Liberation of Mozambique (FRELIMO), the only party allowed, is the key decisionmaking organ. Under Mozambique's Constitution, President Chissano is also Commander-In-Chief of the Armed Forces and is empowered to appoint most government officials. The Council of Ministers, headed by Prime Minister Mario Machungo, is responsible for the day-to-day operations of the Government. The 249-member national legislature, the People's Assembly, has limited influence: it meets for 1-week sessions twice a year to debate and approve legislation proposed by the Government. A self-proclaimed Marxist-Leninist party at its inception, FRELIMO in recent years has pursued pragmatic domestic policies, and in foreign policy has gradually moved towards a more genuinely nonaligned position. President Chissano has concentrated on dealing with the economic and political realities of catastrophic drought and civil conflict, which together have destroyed much of the economic and social infrastructure and caused widespread civilian dislocations and casualties.

The security forces include the Armed Forces of Mozambique (FPLM), numbering about 60,000 soldiers, a People's Militia, and the Mozambican National Security Service (SNASP). Since the late 1970's the Mozambican National Resistance (RENAMO) has waged a guerrilla war against the Government, resulting in the death of tens of thousands of civilians. RENAMO's strength is estimated at between 12,000 to 22,000 armed men; it is active in all of Mozambique's 10 provinces.

RENAMO, originally the creation of the Rhodesian intelligence service, has historically received support from the South African Government. In September President Chissano met with South African President Botha in an effort to revive the 1984 Nkomati Accord, which committed their countries to cease hostile acts against one another and to increase economic cooperation. In 1988 the Government received the predominant share of its military assistance from the Soviet Union and its allies. However, the United Kingdom, Spain, and Zambia also provided military training and assistance, and other Western donors provided nonlethal assistance. Zimbabwe maintained from 5,000 to 8,000 troops in Mozambique in order to protect the Beira Corridor and other vital areas. In addition, Tanzania had between 500 and 2,500 troops in Zambezia province, which were withdrawn by the end of November, and Malawi had 600 to 1,000 soldiers along the Nacala railway line.

The Government's economic reform program progressed on schedule in 1988. As part of World Bank and International Monetary Fund programs, the Government implemented further currency devaluations and other measures to deregulate the economy. The vast majority of Mozambicans are engaged in subsistence farming. However, due to drought and the civil conflict, over 1 million persons have been displaced within the country, and, in addition, an estimated 1 million Mozambicans have sought refuge in neighboring countries. Altogether, close to 6 million persons, out of a total population of 14 million, are affected by the ongoing emergency. International donors pledged nearly $250 million in emergency aid at a conference in Maputo in April.

In 1988 human rights in Mozambique, e.g., freedoms of speech, press, and assembly, continued to be tightly circumscribed by

the one-party structure, and there remained serious human rights problems due to the civil conflict, now in its 12th year. Thousands of Mozambicans have been killed in the continuing civil conflict, with some estimates as high as 100,000 killed by RENAMO alone. Civilians reported many abuses by RENAMO; there were also some reports of abuses by Mozambican forces. A credible 1987-1988 study (cited as "Report on Mozambican Refugees") by an independent consultant, Robert Gersony, based on interviews with 200 displaced persons within Mozambique and with refugees in neighboring countries, documented a pattern of atrocities by RENAMO against civilians, including summary executions, mass kidnapings, forced labor, rapes, robbery, mass murders, mutilations, and torture. Against this tragic background, the Government took some important conciliatory steps to improve human rights in 1988. It ordered the return of expropriated church property and also reaffirmed its commitment to religious freedom during a Papal visit in September. It granted full amnesty to almost 3,000 RENAMO guerrillas according to government figures, gave pardons to hundreds of people detained under security laws, and tightened military discipline and revamped the military justice system. It permitted the International Committee of the Red Cross (ICRC) to begin a program of prison visits and to commence food relief flights into areas of conflict. Within the one-party system, there was a trend toward more open discussion and broader participation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Both government forces and RENAMO have been responsible for the deaths of civilians in the course of the conflict between them. There were no estimates of killings in 1988 by government forces, but there have been credible reports, including allegations by refugees, of abuses by FRELIMO forces. However, it appears that these abuses are attributable to undisciplined forces and do not reflect a systematic policy.

Atrocities by RENAMO against defenseless civilians have been well documented from a number of governmental and nongovernmental sources, including missionaries, international organizations, and emergency relief workers. The "Report on Mozambican Refugees" conservatively estimated that 100,000 civilians had been murdered by RENAMO alone during the conflict. While there were no massacres in 1988 as dramatic as that at Homoine in 1987, where 424 persons were killed, there were confirmed reports of defenseless civilians deliberately killed by RENAMO in attacks throughout the country (as, for example at Guija in Gaza province in January, at Xai-Xai in Gaza province in August, and near Manica in Maputo province in August).

The former Secretary General of RENAMO, Evo Fernandes, was murdered in Lisbon, apparently for political reasons; however, both RENAMO and the Government denied involvement in the Fernandes murder. There were no additional reports of politically motivated killings in 1988 not attributable to the conflict. There were no reports of public executions.

b. Disappearance

There were no reports of government-perpetrated disappearances in 1988. However, security forces, principally SNASP, acting under security legislation, often held detainees incommunicado for extended periods, and relatives and friends have no way of knowing what has happened to the missing. In an important step, the Government authorized prison visits by the ICRC in 1988. When fully implemented, the ICRC program may provide security detainees and prisoners with a system for communicating with their families. Amnesty International stated that, despite repeated requests, the Government has not provided information about the fate of a number of prisoners sent to reeducation camps in the mid-1970s.

The "Report on Mozambican Refugees" documented a pattern of kidnaping defenseless peasants by RENAMO. Some of the victims were released after being required to transport stolen materials for long distances or to perform other tasks. Others were held indefinitely in rural areas outside of formal government control and were sometimes forced to undergo military training. The majority of amnestied RENAMO guerrillas claim they had been kidnaped, forced to take military training, and subsequently to fight for RENAMO. RENAMO also continued kidnaping and holding foreigners in 1988. Seven crew members of a West German freighter were kidnaped by RENAMO in August; four of these were subsequently released. A Portuguese nun was released by RENAMO in May after months of captivity in RENAMO camps. A recently released British national, Nicholas de la Casa, had been held captive by RENAMO for over a year. He reported that he had been well treated but kept under close guard.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both government and RENAMO forces have been accused of torturing prisoners and civilians. In 1988 the Minister of Interior and the political commissar of the armed forces separately toured the country and openly criticized abuses against civilians by soldiers, police, and the militia. In 1988 the media reported on the trials of police, troops, militia, and government officials charged with corruption or the abuse of civilians. The President and other senior officials have repeatedly and publicly emphasized the need for security forces to respect the population. A major step forward in imposing greater discipline was taken with the approval of new laws on military crimes and a military justice system (see Section 1.e. below).

RENAMO has tortured, maimed, and mistreated both military prisoners and civilians. Numerous eyewitnesses have confirmed that RENAMO mutilates civilians believed to sympathize with the Government by cutting off noses, ears, breasts, and lips. Thousands of Mozambicans, including children, are reported to have undergone such disfigurement. In some instances, villagers have been compelled to watch as civilians who had attempted to escape or refused to obey RENAMO orders were slowly hacked to death with machetes or burned alive in their homes. The extent of such atrocities was revealed by the "Report on Mozambican Refugees." Numerous refugees and Mozambican inhabitants were maimed by mines planted by RENAMO in civilian areas. Some have been injured by mines planted by FRELIMO forces in border areas.

MOZAMBIQUE

In 1988 the practice of imposing sentences of public floggings continued, but the frequency and extent of such sentences were markedly reduced from past years. In one case the Government prosecuted and convicted the head of a neighborhood association when a man died from an illegal flogging.

Political prisoners were reportedly brutally tortured and often killed at reeducation camps, run by SNASP, during the early postindependence years. The Government has claimed that all except one of these reeducation camps have been closed. The Ministry of Interior, which is responsible for the police force, admits to maintaining six detention centers which are formally designated reeducation centers. Reportedly, these centers are separate from reeducation camps for political prisoners established after independence, and house about 800 prisoners convicted of common crimes. Many of these camps are reportedly open prisons where inmates farm and live with their families. A model prison for captured RENAMO guerrillas at Inhambane provides training to help inmates reintegrate into society. There is almost no information about the treatment of RENAMO prisoners or other persons detained under security legislation at other detention sites, but the ICRC has visited political prisoners.

Prison conditions in most Mozambique prisons, however, are poor, marked by problems with hygiene, food, and medical care similar to those which affect many segments of the population. A Nigerian businessman, who escaped from prison in Maputo and fled the country, alleged that prison officials beat and tortured inmates and operated a prostitution ring with female prisoners. The allegations were vigorously denied by the Government.

d. Arbitrary Arrest, Detention, or Exile

Mozambique has three separate legal systems: The regular civil/criminal system is composed of the judiciary (courts) and a police force under the authority of the Ministry of Interior; the military-run state security system, which includes the Ministry of National Security (SNASP), has jurisdiction over both political and economic (sabotage) crimes against the State; the recently established military justice system has jurisdiction over most crimes committed by military personnel and crimes by civilians which adversely affect the military.

Under the regular civil/criminal court system, persons accused of the most serious crimes can be detained up to 84 days without investigation. With court approval, such detainees can then be held for two additional periods of 84 days while the police complete their investigation. While detained, persons have the right to counsel and to contact relatives and friends. In some cases, detainees may be released from prison while the investigation proceeds, but the bail system in Mozambique remains ill defined. The law stipulates that if the prescribed period for investigation has been completed and no charges have been brought, the detainee must be released. In practice these procedures are not always followed, and legal counsel is frequently not available. In 1988 Members of the People's Assembly criticized cases of lengthy detention without trial.

Under the state security system, all investigations and arrests are carried out by SNASP. Detainees may be held indefinitely, often incommunicado, without formal charges.

They do not have the right to challenge the legality of their detention. SNASP has the power to conduct pretrial inquiries without reference to a judge. In 1988 the Government authorized the ICRC to visit inmates jailed under security legislation at 10 places of detention throughout the country, in accordance with standard ICRC criteria. ICRC reported that it visited 658 inmates at Machava prison in Maputo province and prisons in Sofala, Gaza, and Inhambane provinces. RENAMO has not agreed to allow the ICRC to visit detainees.

At the end of 1988, the number of political detainees and prisoners held in SNASP prisons was estimated at around 1,000. Presumably many of these are captured RENAMO prisoners. The Government claimed that all foreigners and one-third of the Mozambicans imprisoned under security legislation were pardoned in 1988.

During 1988 there were no reports of anyone being exiled from Mozambique. The Government publicly rejects power-sharing negotiations with RENAMO, but at the end of 1987 it proclaimed a 12-month amnesty for RENAMO personnel. Seminars were held throughout the country to explain amnesty law procedures to provincial authorities. In December the amnesty was extended, and the President stated that the GPRM welcomed efforts by persons of good will who were in contact with RENAMO elements with the objective of persuading them to reenter Mozambican society under the amnesty. RENAMO guerrillas were given the option of turning themselves in to the armed forces, the Mozambican Red Cross, local authorities at Mozambican embassies, or to their families. The Government claimed that during 1988 almost 3,000 RENAMO guerrillas surrendered in order to benefit from the amnesty. President Chissano specifically stated that Mozambique's amnesty law was applicable to everyone, including RENAMO chief Alfonso Dhlakama. In a highly publicized case, former spokesman for RENAMO Paul Oliveiro returned to Maputo and surrendered under the amnesty law. Numerous public ceremonies to reintegrate former guerrillas officially into society were held throughout the country and publicized by the media. There have been few reports of mistreatment of amnestied guerrillas.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The modern judicial system is based on Portuguese civil law. There is a series of people's courts at the district and provincial levels, and a Superior Court of Appeals in Maputo. A Supreme Court was constituted at the end of the year with the naming of judges. Once the Court begins operations, the Revolutionary Military Tribunal and the Superior Court of Appeals will cease to exist. Persons accused under the Law of Crimes Against the Security of the People and the State (i.e., the majority of political prisoners) will then be tried by the provincial courts under normal judicial procedures. The Supreme Court will automatically hear all appeals of death sentences. An attorney general and a deputy attorney general were also appointed. These steps completed the establishment of Mozambique's judicial system as envisaged in the 1976 judiciary organization law. Nonpolitical trials conducted by the regular civil and criminal court system are generally fair and held in public. However, a large backlog of pending cases has resulted in long waiting periods before prisoners are brought to trial.

At the local level, there are also customary courts. Trials are often conducted in a public place in the village where the crime was allegedly committed in order to encourage public attendance and participation. The proceedings are conducted by a trained representative of the Ministry of Justice, assisted by two or four popularly elected "judges." Since the legal knowledge of those involved is limited, they are instructed to exercise common sense and to apply locally accepted principles. Customary courts handle only minor offenses.

More serious crimes are tried in the people's courts at the district and provincial levels. These courts are open to the public, but in certain cases, such as those involving rape, the defendant can request a closed trial. Persons convicted of a serious crime have the automatic right of appeal to the next higher court.

Persons charged with crimes against the State are tried by the Revolutionary Military Tribunal. These trials are normally held in camera without benefit of most due process rights. However, in 1988 the Tribunal accorded due process rights during the trial of an Australian missionary who admitted that he had delivered equipment to RENAMO. The Tribunal dismissed on technicalities charges which carried mandatory death sentences and imposed minimum sentences on other charges. According to reports, the Government brought only a small number of SNASP detainees before the Tribunal in 1988.

The Government proceeded in 1988 with the reorganization of the military justice system, and the Military Crimes and Military Tribunal Law took effect in July. This Law establishes a nationwide system of brigade courts and provincial military courts and specifies military-related crimes. The text of the Military Tribunal Law was published in a series of articles in the daily newspaper, and the media gave extensive coverage to installation ceremonies for recently appointed military judges.

The Government is making efforts to improve the administration of justice, including taking steps to increase the number of trained judicial personnel. In 1988 it established the National Institute of Judicial Assistance (INAJ) which, inter alia, now provides a system of public defenders. INAJ also provides legal training that qualifies persons to join the Institute and handle cases before Mozambican courts. The number of fully trained lawyers in Mozambique increased from about 12 immediately after independence to nearly 80 in 1988. The national law school was reopened in 1988 and plans to graduate 70 lawyers per year within 5 years. Government lawyers are allowed to engage in part-time private practice, and a small but growing number of private lawyers have full-time practices.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In areas of active insurgency, homes are entered at will by security or police forces. It is widely assumed that surveillance devices are employed to monitor local and international telecommunications systems and that mail is periodically inspected. The Government and party do not generally interfere with family affairs such as marriage or the rearing of children.

MOZAMBIQUE

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedoms of speech and press are circumscribed. While President Chissano has encouraged citizens to voice their concerns, the average Mozambican remains reluctant publicly to criticize government policies or to report abuses by officials. Reportedly, there has been more open debate at closed party and government meetings. In 1988 President Chissano completed visits to each of the provinces, where he held large public meetings and listened to popular grievances.

The Government exerts control, either directly or indirectly, over all authorized media in the country, ranging from the radio and television facilities to the daily Noticias newspaper. The Mozambican media promote government and party positions, but also include controlled reporting on abuses within the system and flaws in the implementation of government policies. For example, the weekly magazine Tempo regularly features substantive articles and editorials on sensitive issues, including housing, salaries, price increases, implementation of educational policies, and racial discrimination within Mozambican society. Some foreign publications, including independent Western newsmagazines, are sometimes available in bookstores. Church groups circulate newsletters and pastoral letters. Western journalists (including Americans) are welcome in Mozambique, and the Government generally assists in their visits. Regular foreign radio broadcasts and South African television are received without interference, and there is no restriction on listening to them.

Academic freedom is restricted. Professors and teachers are expected to promote FRELIMO positions in the classroom. Nonetheless, there is a fairly free exchange of ideas and discussion of issues at the college level.

b. Freedom of Peaceful Assembly and Association

Political opposition to the Government is not permitted. Public meetings other than purely social or recreational gatherings are controlled by the local authorities. There are "mass movements" for groups such as women, youth, and workers affiliated with the party. There are several professional groups, such as the Mozambican Writers' Association, which are also affiliated with the party. Although membership in these organizations is voluntary, the party occasionally exerts pressure on citizens to join. In 1988 an independent association of private businessmen was chartered. Shortly after it was organized, the association was invited by the Government to represent private employers at the annual International Labor Organization (ILO) conference. There is also an active Chamber of Commerce.

c. Freedom of Religion

Although the Constitution provides for freedom of religion, and separation of church and state, the Government officially has been critical of religious activities and beliefs. However, in recent years the Government has permitted churches actively to pursue their ministries without interference, and church membership has increased steadily. In 1988 the Government accelerated its policy of dialog with religious leaders, especially with the Catholic church, to resolve

problems created by past policies which had restricted church activities and expropriated church properties. The Government publicly ordered the return of all expropriated places of worship, and negotiations were under way at the end of 1988 for the return of other church properties, such as religious residences and seminaries. The Government fully cooperated in organizing the visit of Pope John Paul II to Mozambique in September.

In 1988 the government-controlled media gave coverage to many religious ceremonies, including a procession through the streets of Maputo, commemorating holy days. In Maputo, religious book stores openly sell Bibles and other literature. The Government provides some funds for development projects administered by the Christian Council of Mozambique. The Ministry of Justice's Religious Affairs Department serves as the official liaison with churches and intervenes on behalf of churches with other government agencies. There is an active Bible society which has functioned unimpeded since independence. The Muslim community has two established national organizations, representing Shi'ite and Sunni Muslims, and sent groups on pilgrimages to Mecca, partially funded by the Government. Although the Government still reserves the right to decide whether individual clergy can visit outlying areas, there were no reports of cases in which travel was denied.

Party members are not prohibited from membership in a church or mosque. While it does not encourage religious practice, the party has stated that persons with religious affiliations will be considered for party membership on a case by case basis.

Church properties and personnel near RENAMO targets were particularly hard hit during 1988. A Methodist mission in Inhambane province, which had been rebuilt after a previous attack in 1987, was damaged again by RENAMO this year. Several Presbyterian congregations in southern Mozambique were disbanded after RENAMO attacks on churches and traveling preachers. Two Catholic nuns were wounded when a vehicle transporting patients was attacked by RENAMO.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel and relocation within the country are controlled by security and employment requirements. Ambushes by RENAMO make road travel hazardous throughout the country. Mozambicans planning to travel outside their district must obtain a travel permit from local government authorities. In practice, this system is not always enforced. Travel regulations were eased somewhat in 1988 for international travelers by elimination of a requirement that employers send letters requesting exit permits.

Mozambican law does not address the issue of emigration, but in practice Mozambicans can emigrate if they wish. A 1982 law allowed for the reacquisition of citizenship by Mozambicans who left the country and assumed another nationality. In 1987 the People's Assembly enacted a nationality law restoring Mozambican citizenship to women who lost it through marriage to foreigners.

In recent years, over 1 million persons have been dislocated within Mozambique, mainly to Maputo and other urban areas. In

late April, the ICRC began to distribute relief supplies in areas of conflict, initially in Sofala province, with the authorization of the Government. RENAMO publicly alleged that government forces bombed and attacked sites under its occupation that had been designated by the ICRC for distribution of emergency relief supplies in Manica and Zambezia provinces. The Government stressed, however, that the ICRC had not been authorized to operate in those areas. In July the Government suspended ICRC relief operations, reportedly due to government military offensives, and these operations had not resumed at the end of the year.

In addition, over 1 million persons have fled across borders to neighboring countries as refugees mainly due to the intensification of the conflict. Most of those fleeing the country went to bordering states: Malawi (600,000); Zimbabwe (75,000); Swaziland (40,000); Tanzania (70,000); Zambia (30,000); and South Africa (200,000). In 1988 few of these persons returned voluntarily. There were major incidents of forced repatriation of Mozambican refugees--at least 8,000 persons--by Zimbabwean authorities during 1988. The South African Government also regularly deported 40 to 50 Mozambican refugees and illegal workers per day at Ressano Garcia.

The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) in both receiving returning Mozambicans and in protecting refugees from other countries The Government has publicly and privately made clear its opposition to forced repatriation. Since independence, the Government has readily provided asylum to refugees from neighboring countries. However, because of the difficult conditions within Mozambique, there are only about 500 refugees in the country. Most refugees in Mozambique are from South Africa and Chile. Since signing the Nkomati Accord in 1984, the Government has restricted entry of members and supporters of the African National Congress.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens are not free to change their government, and no organized political opposition is allowed. The FRELIMO party is headed by an 11-member Political Bureau which is elected by the 118-member Central Committee. Party congresses are convened every 5 years to elect Central Committee members. FRELIMO and the Government are controlled by a small cadre of senior party officers. At the fourth party congress in 1983, party membership was 110,000, or about 2 percent of the population. However, there is some scope for political participation for those who are not party members. Several government ministers, at least 15 deputies in the National People's Assembly, and some members of provincial and regional people's assemblies are not members of the party.

The national legislature, the People's Assembly, serves to ratify legislation prepared by the Government or party. In recent years, Assembly debates have been spirited and have had some impact in delaying proposed legislation. The first national elections since 1977 for the people's assemblies at the local, district, provincial, and national levels were held in late 1986 and early 1987. The party drew up single slates of candidates for the elections, and party structures reviewed these slates with the local population prior to the election. Voters had some degree of choice since there were, by law, 20

percent more candidates than seats available in the various assemblies.

The Constitution is currently being revised in a process that requires public debate and study throughout the country. A proposed change provides for indirect election of the President for a 5-year term by the provincial and national people's assemblies.

Women are increasingly prominent in government positions. In 1988 two women were appointed to national directorships in the Ministry of Justice. In the 1986-87 elections, 39 women (15.6 percent) were elected to the National People's Assembly. About a fourth of the members of provincial and district people's assemblies are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged violations of Human Rights

The Government's cooperation with international human rights organizations improved substantially during 1988. President Chissano received ICRC President Sammurega in February. Subsequently, the Government authorized ICRC prison visits at a number of places of detention in accordance with standard ICRC criteria (see also Section 1.d.). The Government also held meetings with Amnesty International during 1988, notably in October when Secretary General Ian Martin visited Mozambique. The Government agreed in principle to a United Nations investigation of the human rights situation in Mozambique. There are no groups within Mozambique that monitor human rights. The People's Assembly ratified in 1988 the African Charter on Human and Peoples' Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Despite intertribal strains imposed by the conflict and economic collapse, Mozambican society remains markedly multiracial. However, the majority of the FRELIMO leadership are members of the southern-based Shangaan ethnic group, and RENAMO has sought to obtain support by exploiting historically based intertribal antipathies, especially in the central and northern part of the country. As a result of the greater educational opportunities which were available to ethnic Asians and whites prior to independence, they hold important positions in numbers much greater than their proportion of the general population. While the Government is still multiracial, in recent years there has been a trend towards "Mozambicanization" of the Government, with some whites and ethnic Asians replaced by qualified blacks.

In a largely rural society, the reality is that the vast majority of women are still bound to traditional roles, such as childbearing and tilling the fields. However, women have, in theory, equal rights under Mozambique's Constitution, and the Government is continuing efforts to improve the legal status of women. For example, the nationality laws of 1987 gave women equal rights in this important area, by allowing women who marry foreigners, and their children, to retain Mozambican nationality. The Organization of Mozambican Women, the party's mass organization for assisting women, is particularly active in helping to establish day care centers.

MOZAMBIQUE

Section 6 Worker Rights

a. The Right of Association

Workers have the right to join unions, but all trade unions in Mozambique must be affiliates of the Organization of Mozambican Workers (OTM), the country's only authorized trade union central. The OTM was established in 1983 as a mass organization of the sole political party, FRELIMO. Thirteen national unions have formally organized and joined the OTM. The OTM's membership of about 300,000 constitutes over half of the salaried workers in Mozambique. The OTM plans to organize another three national unions to complete the country's trade union network. The OTM is governed by a six-member secretariat which is elected every 5 years at plenary union congresses. The current leadership was elected at the first OTM congress in 1984.

The OTM is prohibited by law from striking or taking other job actions to advance the interests of its members.

The OTM participates in the meetings of the ILO, but it is not affiliated with any non-African international trade union organizations. It is a member of the Organization of African Trade Union Unity and the South African Trade Union Coordinating Council. In 1988 it sent a delegate to the International Confederation of Free Trade Union's world congress. The OTM has extensive ties with Soviet bloc trade unions, but it also has programs with a number of unions in Western Europe. A delegation from the American Federation of labor-Congress of Industrial Organizations visited Maputo in October. The OTM has a sizable number of assistance programs with foreign trade unions for training and development projects.

b. The Right to Organize and Bargain Collectively

Workers are only allowed to organize and bargain collectively within the OTM structure. Union membership is voluntary, but the Government encourages workers to join and actively participate in unions. The Government sets wage rates, and collective bargaining as such does not take place. However, the OTM is consulted by the Government on labor and economic policies which affect unions, and the OTM monitors occupational safety conditions. One of the OTM's primary activities is to represent workers at disciplinary action hearings and during labor disputes. Under Mozambican law, the OTM must be consulted before a worker is dismissed from his position. The OTM sponsors a number of training programs for workers and operates a canteen service to provide low-cost meals at work sites and factories.

Until recently labor law in Mozambique placed extensive restrictions on employers' control over their employees. However, the Government has enacted a comprehensive labor law that increases the autonomy of employers. Among other things, it allows both public and private firms to fire employees without obtaining governmental permission. Companies may now also reward their best workers with bonuses and penalize less productive employees. During 1988 professional associations were given the right to petition the People's Assembly for improvements in professional salaries and working conditions. Journalists won a substantial wage increase through this means. Labor legislation is applied uniformly throughout the country in the wage economy. There are no export processing zones.

MOZAMBIQUE

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, and there have been no reports of such labor in practice by the Government. RENAMO guerrillas regularly kidnap civilians and force them to work in a variety of support functions, including growing food.

d. Minimum Age for Employment of Children

Child labor is controlled, and in the wage economy the minimum working age (excluding agriculture) is 16.

e. Acceptable Conditions of Work

Most of the population is engaged in subsistence agriculture and is not affected by the wage economy and government regulations concerning working conditions. In the small modern sector, the Government has enacted health and environmental laws to protect workers. On occasion, the Government has closed down firms for noncompliance with these laws, but enforcement is difficult in the current economic situation. Legislation containing job-related safeguards for pregnant women and new mothers provides for the right to 60 days' maternity leave. If firms have day-care facilities, women reportedly have the right to 2 half-hour breaks daily for a year to feed their children.

Under the economic reform program, the Government increased wages substantially after imposing drastic currency devaluations. Wages are still woefully inadequate for workers to maintain a decent standard of living, given persistent inflation and price increases linked to the economic reform program. The minimum wage for skilled workers is equivalent to $27 per month, $25 per month for other nonagricultural workers, and about $20 per month for agricultural workers. The minimum wage law is widely violated in the private sector, and actual wages are sometimes well below the legal minimum. The standard workweek is 44 hours.

NAMIBIA

Formerly German South West Africa, Namibia has been ruled since 1915 by the Republic of South Africa. The United Nations lifted South Africa's League of Nations mandate in 1966, and an advisory opinion of the International Court of Justice in 1971 upheld U.N. authority over Namibia and called for South Africa's immediate withdrawal. Nonetheless, the South African Government's representative in Windhoek, the Administrator General, continued to administer Namibia, together with the "transitional government of National Unity (TG)," which had been serving since June 1985, and which is drawn from internal Namibian parties. The South African Government directly controlled the territory's defense and foreign affairs. The international community has not recognized the TG and has held the South African Government responsible for the actions of the Namibian authorities.

Agreements signed in New York on December 22, 1988, by South Africa, Angola, and Cuba, with the mediation of the United States, require South Africa to implement United Nations Security Council Resolution (UNSCR) 435 in the context of Cuban troop withdrawal from neighboring Angola. The 1978 Resolution calls for a ceasefire, the phased withdrawal of South African forces, and free elections under U.N. supervision. If UNSCR 435 is implemented, the Administrator General (AG) will reassume all powers now held by the TG, which will be disbanded. The AG will continue to administer the territory during the transition process, including the election, but under the supervision of the U.N. Secretary General's special representative on Namibia. Commencement of implementation is scheduled for April 1, 1989.

Meanwhile, Namibia continued throughout much of 1988 to experience low-level guerrilla conflict with insurgents of the South West African People's Organization's (SWAPO) military wing, the People's Liberation Army of Namibia (PLAN), fighting the South African Defense Force (SADF) and the Southwest Africa Territorial Force (SWATF). Early in the year SADF made incursions into Angola to strike SWAPO/PLAN bases there. Military activity declined to negligible levels after a cease-fire went into effect on September 1 along the border between Angola and Namibia. SWAPO draws most of its support from the Ovambo in the north, the largest ethnic group in Namibia. SWAPO also operated as a legal political organization within Namibia, although it does not participate in the TG.

Some 60 percent of the population of 1.3 million live by subsistence agriculture. The modern economy consists of mining, fishing, cattle ranching, and food processing. Mining and agriculture provide 90 percent of exports; the manufacturing industry is very small. Real gross domestic product grew by 2.9 percent in 1987, according to government statistics. A lack of diversification in the economy has produced very uneven growth. Economic conditions are particularly severe in the north. Unemployment is at least 20 percent, according to one academic estimate, but one survey of 10 urban areas found an extremely high rate of 33 percent.

As has been the case over the past 20 years, most reports of human rights violations by government authorities or SWAPO involved actions taken in the "operational area" in northern Namibia (where over half of the territory's population lives). The guerrilla war in the north, which began in 1966,

continued in 1988, and produced a number of casualties and fundamentally disrupted the lives of those living in northern Namibia. There were also three major bombings; at a bank in northern Namibia, which killed 28 civilians; at a butchery shop in Walvis Bay, which killed 1; and at a hotel in Windhoek, which killed 2. There has been no final determination as to who was responsible for the bombings. Despite the TG's bill of fundamental rights, which includes many internationally recognized individual rights, the South African courts have ruled that these rights can only be tested against legislation passed since the TG came into being in 1985. As a result, all of Namibia's harsh security laws remain in force; and in 1988 arbitrary government detention without access to counsel or visits by family members continued, as did restrictions on the freedom of assembly. South African State President Botha in March halted the prosecution of six security force members charged with a murder during a SWAPO rally in November 1986. An extremist white group appeared on the scene in 1988 and admitted responsibility for destroying the plant of the outspoken newspaper, The Namibian.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were periodic reports of politically motivated attacks and killing by both government security forces and SWAPO.

Some charges of security force abuses, particularly in the "operational area" of northern Namibia were confirmed when security force members were convicted on various charges, including robbery and rape. However, many of the killings that occurred in the operational area were difficult to attribute to any one group. There were allegations, denied as "absurd" by the security forces, that the security forces committed crimes, including murder, against civilians while masquerading as SWAPO guerrillas. Five black members of the security forces were convicted in 1988 of killing two women. There were reports of injuries when security forces shot at civilians allegedly for violating the curfew, including one incident in August, in which the security forces claimed, but the victims denied, that warning shots had been fired.

SWAPO appeared in 1988 to step up a policy of engaging in sabotage bombings of nonmilitary targets. SWAPO took responsibility for the 1987 bombing of a Windhoek public parking garage (two men were on trial in late 1988 for that bombing), but it denied responsibility in three bombings in 1988, including one which killed 28 civilians at a bank in Ovamboland in February. A northern Namibian man confessed to the police that he had planted the bombs at the bank and at a butchery shop in Walvis Bay in 1988; he is now standing trial. A third bomb killed two persons at the Continental Hotel in Windhoek in September. Government authorities in Namibia blamed SWAPO for all three bombings, but SWAPO denied these claims, alleging the bombs had been planted by the security forces to discredit SWAPO.

b. Disappearance

Security forces are not obliged to notify anyone when a person is detained and often hold detainees incommunicado for extended periods of time. Legal counsel sometimes has to petition the courts to obtain information on suspected detainees, and recently the authorities have been somewhat more cooperative in responding to requests for information on detainees. However, the authorities do not have to notify anyone of a detainee's release.

The security forces claimed that SWAPO kidnaped civilians in 1988, particularly young people, to gain recruits. The security forces claimed SWAPO abducted 40 pupils and 5 teachers from Ombalantu in Ovamboland in May, bringing the total of those allegedly kidnaped by SWAPO in 1988 to 83. SWAPO has consistently denied claims of kidnaping, insisting that its recruits come voluntarily.

There were continuing credible reports in 1988 that SWAPO kidnaps or kills Namibians, including SWAPO members or ex-members, who disagree with the organization's policies. SWAPO admits that it is detaining in camps in Angola and Zambia a group of Namibians, allegedly because they are spies for South Africa, but denies that any of them have been executed. SWAPO claims that the organization's security prohibits visits by outsiders to these detainees. Because of this policy, the fate of approximately 100 disappeared SWAPO members that have been of interest to human rights groups for several years remains unknown. In May the International Society of Human Rights listed the names of an additional 37 persons who had disappeared or been murdered following their alleged arrest by SWAPO.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Allegations of security force abuses continued in 1988. Political leaders, clergymen, and others regularly made detailed reports that the police and security forces engaged in brutal treatment of civilians, primarily in northern Namibia, in and out of detention. The Secretary of the Legislative Assembly of Ovamboland testified in a South African court that he had taken some 690 affidavits over the past 6 years alleging acts of rape, murder, theft, and arson by the SADF in Namibia. There were several reports in 1988 of civilians being beaten by security force members. As in previous years, the police counterinsurgency unit, formerly known as "Koevoet," was accused of harassment and beatings of civilians in northern Namibia. In late December, South Africa stated that "Koevoet" was being disbanded in connection with the planned implementation of UNSCR 435.

Six members of SWATF were found guilty of raping a girl in Ovamboland in April 1987 and sentenced to between 3 and 6 years. They were also made to pay compensation. There have been other cases in which security forces have been required to pay considerable sums in court cases arising from human rights abuses. However, the police officer involved in a widely publicized police beating in 1987 (the Heita case) was not prosecuted. He was later transferred. Human rights groups claim that the publicity surrounding these cases has not led to a significant decrease in abuses.

NAMIBIA

Amnesty International (AI) published a special report in April 1987, Namibia: Torture and Ill-Treatment of Prisoners, which cited evidence of torture.

d. Arbitrary Arrest, Detention, or Exile

The Government employs three pieces of legislation allowing broad powers of detention. The first is Article 6 of the Terrorism Act of 1967, the harshest of the three laws under which a person can be held in indefinite detention without review, without access to counsel, his own physician, family, or friends. The detainee does, however, have access to government-appointed doctors and magistrates. The other two laws providing for detention without trial are known as AG-9 and AG-26. The former allows for access to counsel only after 30 days; the latter allows for early access and provides for a review committee, but the TG Cabinet is not required to follow review committee recommendations. The authorities have increasingly used the Terrorism Act since 1986, when the Supreme Court ruled that detainees under AG-9 had access to legal counsel after 30 days.

One SWAPO member, Jason Angula, who was initially detained in October 1987 under AG-9, was transferred to detention under the Terrorism Act. He was released without charge in December. Angula did not have access to counsel and was not charged. There was at least one other case in 1988 of initial detention under AG-9 being switched to the Terrorism Act (see below). The Windhoek Supreme Court in February upheld a Judge's September 1987 order releasing six SWAPO and union officials from detention under the Terrorism Act, citing insufficient reason for their arrest. In an out-of-court settlement of a civil suit, police paid about $6,000 to each of the former detainees, although the police did not admit their guilt.

Some people detained under the three laws are not fully aware of their rights while in detention. Lawyers have on occasion been able to get their clients released by threatening legal action against the authorities. Past legal action appears to have made the authorities more responsive to requests for details of detentions.

It is not certain how many people were detained during 1988, or how many remained in detention at the end of the year. The police publicize numbers of detentions on occasion but usually do not name the detainees, announce their releases, or issue figures on the total number of detainees at any given time. The police said that they are detaining people under AG-9 and Article 6 of the Terrorism Act, not AG-26. The Deputy Attorney General confirmed that 9 people had been detained in northern Namibia between January 18 and 22, and the South African Police reported on January 28 that 43 people had been detained in the north.

The Namibian Communications Center in London claimed that 36 people were in detention "for political reasons" as of early October. The police deny the existence of "political prisoners," claiming that all of them eventually will be charged. The editor of The Namibian newspaper was detained under AG-9 for 5 days in June. Five students were detained for 3 weeks in June under AG-9; they were released without charge.

NAMIBIA

In August 37 students were detained and later charged for their participation in a gathering at the University of Namibia in connection with separate school boycotts (see Section 2.b.).

There were no further challenges to the constitutionality of security legislation in 1988. Although the TG's own "Bill of Fundamental Rights" stipulates that "no one shall be detained for an indefinite period of time without a fair and proper trial by a court," the uncertain status of the TG and continuing rule by South Africa prevented this right from being respected fully. All the security legislation remains in effect, although some within the TG would prefer to rely on normal criminal statutes rather than the more severe security acts.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is independent of the executive branch (the TG), and the Supreme Court is respected for its integrity. Its authority is limited, however, by TG and South African legislation and subject to appellate review by the South African Appeals Court in Bloemfontein. In April South African President Botha gave the executive branch--the Administrator General and the TG--additional powers with respect to the courts, enabling them automatically to refer decisions of the Windhoek Supreme Court on constitutional matters to the appellate division in Bloemfontein without obtaining permission to appeal from the Namibian Court. The Court in Bloemfontein is considered significantly more conservative than the Windhoek bench.

Most trials are held in public, and the defendants have a right to counsel. There is little criticism of the courts themselves; criticism regarding the administration of justice generally revolves around the system of detention without trial, and whether security force personnel are brought to trial for illegal actions. Those who are brought to trial can expect a hearing based on the legal merits of their case, and there is a right of appeal. Namibia operates under Roman-Dutch law. Defendants are generally considered innocent until proven guilty, except when charged under the Terrorism Act. That Act places the burden of proving innocence on the defendant so long as the prosecution has shown that the crime occurred and the accused had some knowledge of it.

Reform of security legislation remained a dormant issue in 1988. There was no further action on the Van Dyk Commission Report, issued in October 1986, which proposed revisions in the security legislation.

Two of the year's most noted court cases highlighted the South African President's power to indemnify security forces against criminal prosecution. South African President Botha in March halted the trial of six security force members who had been charged in the murder of Immanuel Shifidi in Windhoek in November 1986. This was the second time in 2 years that the President had halted a murder prosecution against soldiers. According to the South African Defense Act, the President may stop judicial proceeding against security force members if the incident occurred in the "operational area, if the forces acted in good faith, and if the action was in the national interest." The Administrator General, at the request of

President Botha, issued a certificate finding that these conditions had been met. At the end of 1988, the validity of the Shifidi certificate was being tested in the Windhoek Supreme Court. Late in the year, the Windhoek Supreme Court overturned a similar certificate which had halted a murder trial against four SADF soldiers accused of murdering Frans Uapota in northern Namibia in 1985. In that case, the TG had issued the certificate at the request of the South African President but had vowed never to do so again because of the negative impact on its credibility. The Windhoek Court found that the military report on which the certificate was based had been "most misleading" because it had not included the post mortem results showing evidence of injuries consistent with prolonged beatings and strangulation with rope. The Court also ruled that the certificate improperly took away prosecutorial powers that rested with the Attorney General. At the end of the year, an appeal of the ruling was pending in the South African Appeals Court, and prosecution of the soldiers had not resumed.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Security legislation allows the security forces almost unlimited powers of search and seizure. Invasion of homes is said to be commonplace in the northern operational zone. Cars are searched at security checkpoints. Some charge that they are under surveillance periodically and that their houses or cars have been searched even outside the operational zone. Telephones and mail of those unsympathetic to the TG and the security forces are assumed to be monitored. There continue to be allegations that security forces have threatened civilians to obtain information on suspected SWAPO insurgents.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The South African Government and the TG have at times restricted the freedom of speech to criticize the Government, especially through restrictions on assembly (see below). The Government controls the electronic media, but newspapers represent views covering the entire political spectrum. Editorials can, and do, support these views, including pro-SWAPO sentiments.

Namibian newspapers are subject to South African press laws, including the Internal Security Act of 1950, which restricts reporting on some security matters. Nevertheless, Namibian newspapers publish stories critical of the security forces and the Government. The South West African Police lodged a complaint with the S.A. Media Council regarding the weekly Namibian's coverage of alleged security force abuses and alleged SWAPO incidents.

The Namibian was the victim of an arson attack in September which destroyed much of its equipment. A group calling itself the "White Wolves," an alleged extreme rightwing vigilante group, claimed credit for the attack. One Namibian reporter was briefly detained under AG-9 in March while interviewing a rape and assault victim. In addition, the police detained Namibian Editor Gwen Lister for 5 days in June for publishing what was allegedly a classified internal document which outlined proposed security legislation and which included a call for a crackdown on the press and political parties. The

authorities never stated whether the document was actually classified, and Lister was not charged.

Publications are banned both for political reasons and for obscenity. Publications which were banned in South Africa are for the most part also banned in Namibia. The South African Publications Appeal Board, which has jurisdiction in Namibia, banned publication of SWAPO's political program in July. The TG's Information and Justice Minister expressed disappointment at the action. Other SWAPO publications have routinely been declared "undesirable" and thus illegal to sell or distribute.

b. Freedom of Peaceful Assembly and Association

Political rallies on public property do not require approval, only prior notice under the notification and Prohibition of Meetings Act. Bans on meetings can be imposed under the Riotous Assemblies Act of 1956. The Government banned all Human Rights Day celebrations in December 1987.

A dominant freedom of assembly issue during 1988 was connected with the presence of military bases near primary and secondary schools in northern Namibia, and the request of students, church, and community leaders to have them removed. The Government claimed the bases had been established before the schools, but opponents contended that some of the bases were built near schools to counter political activities there.

The ultimately unsuccessful effort to have the bases removed sparked a string of school boycotts beginning in March. The boycotts spread to Windhoek in June, prompting absenteeism and demonstrations, some of which were broken up by police and security forces, with injuries on several occasions. The police broke up one in June with tear gas and rubber bullets, detaining 43 and causing some injuries. This gathering did not have prior government approval, but witnesses claimed, as they did in other incidents, that they were given no warning before the police employed tear gas and rubber bullets.

The school boycott also spurred a union-organized, 2-day "stayaway" in June. The TG then adopted the Protection of Bill of Fundamental Rights Act, which outlawed promotion of stayaways or boycotts. The law makes it illegal to "without lawful reason, induce or persuade" people to boycott schools or government services, or to stay away from work. It also makes it illegal to use violence to achieve any of these ends. The term "lawful reason" is not defined. Despite its name, the law is being challenged in court as being in violation of the TG's own Bill of Fundamental Rights, which provides for freedom of speech and association. The law was employed in the breaking up of an August gathering at the University of Namibia and the arrest of 37. They were later charged and were awaiting trial in December while the court reviewed the constitutionality of the Protection of Bill of Fundamental Rights Act.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Namibians enjoy freedom of religion. Almost all Namibians are Christians, with the Lutheran Church--the largest group of which belongs to the Evangelical Lutheran Ovambo-Kavango Church, now known as the Evangelical Lutheran Church in

Namibia (ELCIN)--having the most adherents. Roman Catholic, Anglican, Methodist, and Dutch reformed churches are also active. There is one Jewish Synagogue in Windhoek.

The majority of church leaders are openly critical of the TG and the South African Government and are allied through the Council of Churches of Namibia (CCN). Church leaders in northern Namibia condemned the 1988 bank bombing in which 28 lives were lost, as well as the use of violence generally. Church people claim they are the victims of security force harassment. One church official was briefly detained and allegedly beaten by police in connection with one of the demonstrations. As in 1987, several of these church leaders were either denied travel documents altogether or issued documents good only for one trip (see Section 2.d.). The security forces and the Government have said that these church officials are SWAPO supporters. Although the reasons for denial of passports do not have to be given, it was assumed the Government wished to deny them a platform to criticize the TG and South Africa or to urge pressure on South Africa to relinquish Namibia. At the end of 1988, it was still not known who was responsible for the September 1987 bombing which destroyed a Roman Catholic church in northern Namibia.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

A dusk-to-dawn curfew remained in the entire operational area of northern Namibia. The security forces said in August that they would lift the curfew on October 1 if there were no incidents in September involving SWAPO insurgents. The offer had been made in conjunction with the pullout of South African troops from Angola and a cessation of hostilities in the area. The SADF did not lift the curfew in October, claiming continued SWAPO guerrilla activity in northern Namibia. Meanwhile, a court challenge by three Namibian churchmen to have the curfew declared illegal was still pending before the Bloemfontein Appeals Court, which reserved judgment on the appeal in September.

South Africa, through the Administrator General in Windhoek, controls foreign travel by Namibians. There continued to be cases where political opponents of the TG were either denied passports or travel documents. In one such case, several Namibians were denied passports or travel documents to attend a March conference of West European Parliamentarians in which SWAPO and African National Congress officials participated. An African Methodist minister, Reverend Kauraera, who previously had been denied travel documents, was eventually granted permission to attend a conference in the United States. The authorities granted passports or travel documents to most of the people who attended a conference with SWAPO in Lusaka in October, but two people, Dr. Zephania Kameeta and union official Jerry Ekandjo, were denied documents. Those denied passports or travel documents cannot appeal through the courts.

There were no known deportations under the Residence of Certain Persons in South West Africa Regulation Act, which allows for the deportation of non-Namibians who threaten the public order. A German-born Windhoek businessman, Ulrich Eins, who has lived most of his life in Namibia, challenged the Act in court as unconstitutional. Eins won his case in Windhoek, but the decision was effectively overturned by the Bloemfontein Appeals Court.

NAMIBIA

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Namibians did not in 1988 have the right to change their government. South Africa maintained control over the territory, and the Administrator General represented the South African Government in Windhoek. While the TG in theory controlled most government portfolios, except for defense and foreign affairs, the South African Government still maintained ultimate authority over the TG, which it created.

The TG and the National Assembly were appointed, not elected, bodies. Namibia was administered by a three-tiered structure, created in 1980 under a decree known as "AG-8," which provided for a central legislative body (the National Assembly), 11 ethnic-based second-tier authorities, and local or municipal authorities. Only some of the second-tier legislatures were elected. Several parties in the TG are particularly adamant about preserving "group rights," and they continued to press for ethnic elections. However, no elections were held.

Although the UNSCR 435 calls for elections before the drafting of a constitution, the South African President in 1987 created a Constitutional Council containing members of the TG to devise a constitution. The TG never reached a consensus on a draft constitution, and offered two opposing drafts to the South African Government. The constitutional issue was overtaken in late 1988 by progress in the international negotiations. The South African Government and the TG then focused on a set of constitutional principles drafted by five Western powers in 1982 and accepted at that time by all parties to the Namibian dispute. The TG wants to have a constitutional conference with SWAPO before the U.N. elections; such a conference is not part of the U.N. plan.

Women play a minor role in Namibian politics. There are female local government officials and members of the National Assembly, but there are no female cabinet members.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Administrator General and the TG extend minimum cooperation to various groups investigating the human rights situation in Namibia. Namibian authorities denied a visa to Reverend John Evenson, Director of the Namibian Communications Centre in London. Although the Communications Centre publishes material on alleged human rights abuses, Reverend Evenson was traveling to Namibia to attend a conference organized by the Namibian Peace Plan Group to express support for UNSCR 435. Evenson reportedly was accused by Namibian authorities of "poisoning the minds of people overseas." Others investigating the human rights situation were allowed into the country, however. As far as is known, the Government did not respond to AI's 1987 special report on torture and ill-treatment of prisoners.

A Human Rights Center was established at Ongwediva in Ovamboland in July. The Center offers legal advice and access to lawyers through its headquarters in Windhoek. Two employees of the Ongwediva Center were detained for 2 days in August while investigating the case of seven people detained without trial and three alleged killings by security forces. Neither the two human rights workers nor the seven others were charged.

NAMIBIA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

All Namibians must hold identification documents under the Identification of Persons Act of 1979. Race and ethnic groups are included in code on the document. Under decree AG-8, Namibia maintains nine functioning ethnic or second-tier authorities. The population is divided into the following racial and ethnic groups present in the territory: Ovambo, whites, Damara, Herero, Kavango, Nama, colored (mixed race), Kaokovelder, Bushmen, Rehoboth Baster, Caprivian, and Tswana. Namibia's population in 1988 was estimated at 1.3 million, of whom just over half are Ovambo. There are approximately 80,000 whites.

Although there is some sharing of government revenues among all the groups, much of the tax revenue collected from members of a particular ethnic groups stays with that group. As a result, white medical and educational facilities are superior to those of the other groups. For example, the white second tier authority, representing about 6 percent of the total population, had a budget of about $22 million, while the Ovambo authority, representing almost 50 percent of the population, had a budget of only about $330,000 in 1988.

The Windhoek Supreme Court issued an advisory opinion in March that AG-8 violated the TG's own Bill of Fundamental Rights largely because of discrimination in funding based on color or ethnic classification. The Bill of Rights prohibits such discrimination. However, the opinion was merely advisory, and the TG parties remained divided and thus undecided on what to do about AG-8.

Social facilities are generally open to all races, although private businesses can, and in a relatively few cases, do restrict admittance based on race. Unlike South Africa, residential areas are not legally segregated. Economic factors do, however, separate townships in the territory. Some hospitals, such as the State Hospital in Windhoek, admit all patients but have separate wings for different races.

Although the majority of the TG is in favor of opening the schools to all races, the TG has not desegregated schools. Parents must register their children in school according to race and ethnic group. The Nama opposed the opening of a private nonracial school in southern Namibia, apparently because of political disagreement with the school's sponsor. The white South West African National Party and the "colored" Rehoboth Basters, two TG parties, continued their opposition to open schools and a loosening of the various ethnic groups' control over what is generally known as "own affairs." The South African Government has consistently expressed support for group rights and "own affairs," both in Namibia and the Republic.

Women still experience unequal treatment in both the traditional and modern sectors, particularly with regard to financial and legal matters. Under traditional practice, a woman is not independent; she is usually the ward of her father or, when married, her husband. There is still some de facto discrimination in employment in the modern sector. Some community groups--and government bodies--are targeting women in their development programs. Among these are the Council of Churches' Namibian Women's Voice, the Women of Namibia, and the Namibian Womens Organization in Ovamboland.

NAMIBIA

Section 6 Worker Rights

a. The Right of Association

The legal right to associate in labor unions, long enjoyed by white and colored workers in Namibia, was extended to black workers in July 1978. During the past 2 years, black union membership has grown markedly, similar to recent black union development in South Africa. Unions have been created in new industries, including transport and public workers. Union officials in 1988 claimed a membership of at least 50,000 members in all the unions out of a work force of at least 220,000. The majority of workers in the largest single private sector of the economy, mining, are unionized.

Namibian workers have and exercise the right to strike.

As in South Africa, the labor and political situations are not separated, and most of the unions are sympathetic toward SWAPO; many union leaders are also SWAPO officials. These unions organized a stayaway in June to demand the removal of military bases from the vicinity of schools in northern Namibia and the release of detainees without trial. The stayaway closed down the country's largest employer, a diamond mine; and participation ranged from zero to 70 percent in Windhoek and reportedly from 75 to 100 percent in a few other towns. However, the unions' demands were not met. Most companies adopted a "no work, no pay" stance towards their workers, but several companies, particularly smaller ones, fired workers for staying away. At the end of 1988, the unions were seeking their reinstatement. The police detained one trade unionist for a few weeks under security legislation as a result of the stayaway, but he was not charged.

Unions are allowed to publicize their views. Namibia recognizes the May Day holiday, and a large rally was held May 1. However, the 1988 Protection of the Bill of Fundamental Rights Act seeks to restrict the advocacy and organization of work stayaways and boycotts. The law is being tested in the Windhoek Supreme Court to see if it actually violates the freedoms protected by the 1985 Bill of Fundamental Rights.

Namibian unions participate in the meetings of the International Labor Organization, to which Namibia has belonged since 1978, and are free to affiliate with international trade union bodies. There is also a banned union group, the National Union of Namibian Workers, which operates in exile out of Angola and is affiliated to the Organization of African Trade Union Unity and to the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

The right of collective bargaining without the intervention of a government agency was recognized by the Namibian Supreme Court in February 1985. A government policy statement the following year endorsed the principle of "tripartism" and pledged to promote industrial self-government by employers and employees. Since then, there have been continuing efforts to develop a workable system. The commission created to revamp Namibia's outdated labor laws continued its deliberations in 1988 and was expected to issue some of its proposals early in 1989. The commission--headed by the man who oversaw the drafting of South Africa's important labor legislation of

1979, Nic Wiehahn--is expected to devise a system of industrial courts as in South Africa, but the Namibian proposals will not be exactly the same as those existing in South Africa.

Namibia presently has a system of conciliation boards. Under the system, employees or employers must apply to the TG Cabinet to have a board appointed under the Wage and Industrial Council Ordinance. The board's decisions are binding on both sides of a dispute.

A major labor issue has been the recognition of unions by individual companies and the unions' subsequent registration with the TG. Existing labor law prohibits general unions, i.e., one union representing workers in more than one industry. Although unregistered unions can bargain with their employers if they are recognized by management, they do not have access to conciliation boards. Disputes have arisen, usually along political lines, as to which of two competing unions represented the majority of workers at a particular company. Important recognition and work condition agreements were reached with large employers in the mining and food processing industries in 1988.

Labor legislation applies uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited in law, and there are no reports of its practice in Namibia.

d. Mimimum Age for Employment of Children

As in South Africa, the minimum working age in most industries in Namibia is 15. However, children below the age of 15 often work on family farms.

e. Acceptable Conditions of Work

There is no statutory minimum wage in Namibia. Several of the unions adopted "a living wage" as the theme of most of their activity during 1988. Mandated occupational health standards are similar to those in South Africa. Improved safety conditions were part of union demands in 1988, particularly in the mining industry, and some individual agreements have been reached. Namibia also has legislation mandating leave (including maternity leave) and overtime standards.

NIGER

General Ali Saibou became President of Niger after the death of Seyni Kountche in November 1987. Ruling by decree, he is the head of an authoritarian military regime which has been in power since 1974. The nation's highest policymaking body is the Supreme Military Council, whose membership and meetings are secret. In April the President announced that the "National Movement of the Development Society" will eventually be formed as the country's sole political party.

The Nigerien Armed Forces, numbering about 2,600 members plus 800 gendarmes (paramilitary police), help ensure internal security. Other security organizations are: the Direction de la Securite de L'Etat (Directorate of State Security), which reports directly to the President; the Surete National (or National Police) which is responsible for maintaining public order and countering antigovernment activity; and a unit for presidential protection.

Niger, one of the world's poorest countries, occupies a large area in the arid Sahel region of West Africa. The economy is based on subsistence farming, livestock raising, and some of the world's largest uranium deposits. However, cycles of drought, desertification, a 3.1 percent population growth rate, and declining world demand for uranium since the early 1980's have had a serious negative impact on the Nigerien economy.

Human rights are circumscribed. The freedoms of assembly, speech, press, and political activity continued to be tightly restricted in 1988. However, there have been some positive steps since Saibou assumed the Presidency in 1987. He has freed over 100 political detainees, made some improvements in prison administration, and formed a committee to draft a constitution. The Government also finally brought to trial in 1988 a number of persons held since 1983 for an attempted coup d'etat (although the Government's handling of the cases pointed to the considerable extent of executive influence over the judiciary). In 1988 President Saibou also made clear the limits to change. He stressed that the military will continue to play a prominent role in the nation's political life and announced that, when it returns to constitutional law, Niger will not become a multiparty state.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

No politically motivated disappearances were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are no reliable reports that systematic torture of detainees and prisoners takes place in Niger. Nevertheless, cruel treatment, usually in the form of beatings, is often meted out by officials charged with the custody of prisoners.

NIGER

Non-Nigerien Africans resident in Niger are frequently harassed by the police and occasionally suffer physical abuse while in detention. There were no instances in 1988 of officials being disciplined for such actions.

In the past, political prisoners or detainees were rarely allowed family visits. Under President Saibou, political prisoners have gained more visitation rights. Prisoners with severe medical problems have normally received medical care.

d. Arbitrary Arrest, Detention, or Exile

With the Constitution suspended since 1974, there are no specific statutory protections against arbitrary arrest or imprisonment. Warrants are not required for an arrest, and there is no right to judicial review of the legality of arrests or detentions. For criminal offenses, the law holds that detainees must be charged within 48 hours, but delays sometimes occur as the result of lack of trained lawyers and judges. In cases concerning political or security-related matters, detainees have been held for extended periods without charge, as in the case of the detainees held in connection with the October 1983 coup attempt against President Kountche (see Section 1.e.).

The number of political detainees at the end of 1988 was not known but was believed to be small. President Saibou released in 1987 over 100 political detainees and prisoners, some of whom had been held without charge or trial since 1974. Almost 60 of that number were released from house arrest, including the former President, Hamani Diori, who had been detained in prison for 6 years and then placed under house arrest for almost 7 years.

There are no known instances of dissidents or political opponents being exiled, although some dissidents have voluntarily gone into exile. In an effort at national reconciliation, President Saibou announced a general amnesty shortly after taking office, inviting those in exile to return. Among those who accepted is the current Minister of Public Enterprises, Mohammed Abdoulaye, who was in exile in Libya.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Niger's legal system is an amalgam of French, Islamic, and customary law. Civil and criminal cases not involving security-related acts are tried publicly. Legal counsel is provided by the State for indigent defendants accused of felonies or other major offenses if they are under 18 years of age, handicapped, or faced with the possibility of a sentence of more than 10 years. Defendants may appeal verdicts first to the Court of Appeals and, if desired, to the nation's highest tribunal, the State Court, composed of civilian magistrates, which serves as a final court of appeals. The President has the right of pardon in criminal cases and has invoked this right on several occasions in recent years. At the village level, matters such as property disputes are frequently resolved by traditional courts.

In June 1985, the Government of President Kountche formed a special court to investigate civil service corruption. This court met regularly in 1988. Stiff penalties were established

for these crimes, including the death penalty for conviction of embezzlememt of over $500,000. Thus far, life imprisonment has been the most severe penalty assessed.

Security-related cases are tried in the State Security Court which operates outside the normal legal framework. This body was established by presidential decree in 1974. It convenes in secret, and little is known about its proceedings. Most of its members are believed to be military officers.

The number of political prisoners in Niger is small. While releasing most of the political detainees and prisoners in November 1987 on assuming power, the Government brought to trial in 1988 in the State Security Court 28 persons (4 in absentia) for their involvement in the 1983 coup attempt against President Kountche. The Court sentenced the 4 in absentia to death and 3 others to prison terms, while acquitting 21. In a surprising move, the Government did not accept the verdict and brought the case to trial again. The retrial took place in September--the proceedings were in secret as in the first trial--and resulted in stiffer sentences: the 4 in absentia again received death sentences; 16 received various prison terms: and 8 persons were acquitted. The Government insisted that the Court had acted independently, but it appeared that senior officials in the Government did not agree with the "lenient" sentences given in the first trial.

Seven Tuaregs are serving 30-year sentences for their attack in 1985 on the police station in Tchin-Tabaraden.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The police have the right to enter homes between 5 a.m. and 9 p.m. and will enter at other times if they deem it necessary. Court warrants are not required in such instances. Violations of privacy such as interference with correspondence, telephone tapping, and use of informer networks are known to take place.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are restricted, although the National Charter adopted in 1987 provides in principle for freedom of thought, expression, assembly, and association. Institutions such as an elected legislature do not exist.

Niger's major print and electronic media are government owned and controlled. The Government uses the media to disseminate government policies and to rally popular support for official programs and the President and his advisers. While some criticism of government policy or bureaucratic inefficiency is allowed, especially in the weekly publication Sunday Sahel, such criticism is expressed either at the behest of, or at least with the knowledge and permission of, the Government. Debates on aspects of the economy or cultural policy take place in the media, but the boundaries of permissible discussion are understood in advance by all participants.

Niger's first independent journal, The Economic Operator, began regular circulation in late 1987. While not

controversial, it provides a vehicle for publishing material that does not represent solely governmental opinion.

There have been no reports of censored or banned magazines or other publications, but the Government is under no legal constraints should it discover material that it deems offensive. Foreign films are subject to censorship by the Ministry of Interior on grounds of public morality and political content.

b. Freedom of Peaceful Assembly and Association

Most forms of voluntary association, such as trade unions, churches, and other religious groups, function with the understanding that they must act in accordance with government policy. Government permission is required for public gatherings and is granted only to recognized groups.

1988 witnessed a major strike by university students that lasted almost a month. The students struck over several issues including: recognition of their association; universal full scholarships; the return to classes of their colleagues who had been sent to do their civilian service before graduation as a disciplinary measure after earlier student strikes; acceptance of all high school students into the university; better accommodations; and student representation on university boards and commissions. The Government resolved the strike peacefully through negotiation.

For a discussion of freedom of association as it pertains to labor unions, see Section 6.a.

c. Freedom of Religion

Niger is a secular state. While the population is over 90 percent Muslim, the Government permits the practice of other religious beliefs. Foreign missionaires can live, work, and travel in Niger. Religious groups are allowed to maintain links with fellow believers in other countries.

The Government, cautious of the Islamic fundamentalist violence that erupts periodically in nearby northern Nigeria, monitors Muslim religious activity through the Islamic Association. This Association is funded by the Government and assists in an informal screening process of local religious leaders. Islamic services that go beyond strictly religious subjects are not permitted.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within Niger is closely monitored, although there has been some relaxation during the last year. Police checks, often entailing thorough searches, take place upon entering or leaving major towns and cities. These checks reflect a governmental preoccupation with security and smuggling, a concern over possible movements into the country of foreign-based dissidents or criminal elements, and a policy to discourage migration to urban areas. Nigeriens wishing to travel abroad must obtain exit visas, which are usually granted. Married women must have the permission of their husbands to travel abroad.

The repatriation of Nigerien nationals is unrestricted. Niger is a party to the U.N. Convention and Protocol Relating to the

Status of Refugees and has cooperated with the U.N. High Commissioner for Refugees in handling the few registered refugees currently in Niger.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability to change their government through democratic procedures. Political power is concentrated in the hands of the military, and President Saibou has placed more government ministries in the hands of the military. Ten of his 29 cabinet positions are held by military officers. All of Niger's seven departments have military governors, who have sweeping powers within their departments.

The President announced in 1988 that Niger will soon form its sole political party, The National Movement of the Development Society. The new party, when finally organized, will likely be an outgrowth of the National Development Council (NDC) system which has been in place since 1979. The NDC consists of a hierarchical network of smaller councils at the village, regional, departmental, and national levels. These councils consist of elected and appointed members, although only at the village level are members elected directly by the people. The national-level council consists of Nigeriens from all walks of life, who also serve on special committees to consider various aspects of economic development, cultural policy, and social issues.

At the end of 1988, the committee to draft a new constitution had begun its deliberations. Women occupy many midlevel and lower level positions in the Nigerien Government. In 1987 President Saibou appointed the first woman to a cabinet-level position and placed her in charge of women's affairs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has recently been very cooperative in answering inquiries on the status of political prisoners of interest to Amnesty International. There are no domestic groups which monitor the human rights situation in Niger. Niger is not active in regional and international human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Four major ethnic groups, each with its own language, make up the bulk of the population. The two primarily nomadic groups, Tuaregs and Fulani (peul), have less access to government services, partly because their transient lifestyles make it difficult for the Government to supply them with services.

The essentially traditional nature of Nigerien society helps ensure that family and ethnic group ties remain strong and supportive, but traditional practices and attitudes on ethnicity, women, and education have some negative effects. Males have considerable advantages in terms of education, employment, and property rights. In cases of divorce, custody of all children under 8 years of age is given to the husband.

NIGER

Conscious of the adverse situation of women, the Government has begun work on a new family code, tried to provide better employment opportunities to women, given them a significant role in the National Development Council, and supported a national women's association. Women are paid comparable wages to men and are active in the business community, although commerce is dominated by men. The first professional associations of women traders, educators, and bankers were formed in 1988. About one-third of Nigerien doctors are women, and many of the nation's magistrates are women. The Government continues to encourage family planning and in 1988 legalized the use of contraceptives.

Section 6 Worker Rights

a. The Right of Association

Approximately 90 percent of Niger's work force is employed in the rural sector. In the small modern economy, workers have the right to establish and join trade unions, but all unions by law must be organized under an umbrella group, the National Union of Nigerien Workers (USTN). The USTN is partially funded by the Government and is usually responsive to government policies. The head of the USTN is elected by its members. The USTN represents about 30 percent of the approximately 60,000 salaried workers in Niger. It publishes a quarterly magazine, The Worker, which discusses USTN activities. The USTN maintains relations with recognized international bodies, e.g., the International Labor Organization and the Accra-based Organization of African Trade Union Unity.

Strikes in Niger are legal if conciliation and mediation procedures have been exhausted. Uranium mine workers struck in 1987 over housing and other issues. Fellow workers from the nearby coal mine joined the strike, which ended with a negotiated settlement.

b. The Right to Organize and Bargain Collectively

Collective bargaining is legally authorized, but the Government is deeply involved in the process. There is a general collective bargaining agreement which has been in force since 1972 between the USTN, employers, and the Government. The agreement covers wages and benefits and is extensively applied to all sectors of the urban wage economy. Individual unions are permitted to bargain for more favorable agreements at their work sites. The Government promotes voluntary worker-employer negotiations but does not sit at the bargaining table in private sector negotiations. If these negotiations fail, the Government becomes the arbitrator. The collective bargaining agreement protects workers against antiunion discrimination. Labor legislation is applied uniformly throughout the country, and there are no export processing zones in Niger.

c. Prohibition of Forced or Compulsory Labor

Niger's labor code prohibits forced or compulsory labor, and it is generally not practiced. The last reported instance of forced labor was during the 1985 drought emergency when displaced herders, primarily ethnic Tuaregs and Fulanis, were in some instances forcibly required to work in food-growing projects.

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d. Minimum Age for Employment of Children

Children between the ages of 12 and 18 may be employed, but there are strict provisions concerning the hours of employment and types of employment for children in this age group. All labor provisions, including those concerning child labor, are applied in practice only in urban areas. In the subsistence agricultural sector, which employs most Nigeriens, children work on family plots under conditions which are not in compliance with the provisions of the labor code.

e. Acceptable Conditions of Work

The minimum wage for salaried workers is approximately $66 per month. According to union officials, this wage is not sufficient to provide a decent living for workers and their families. USTN is negotiating with the Government, the largest employer of salaried workers, to increase the minimum wage rate. Because of the country's depressed economy, the Government has not increased salaries since 1980, despite the rising cost of living.

The legal workweek is 40 hours. However, according to the labor code, certain occupations requiring irregular hours are authorized longer workweeks, with a maximum of 72 hours. The labor code also provides occupational safety and health regulations which are to be enforced by the labor inspector's office. Because of staff shortages, this office focuses mainly on the mining, building, and industrial sectors for safety violations. According to a ministry official, compliance is often difficult to enforce because of the attitude of the workers who are relatively uneducated and are therefore not fully cognizant of the safety risks posed in their jobs. They often complain and refuse to wear protective clothing because of Niger's hot climate. For the most part, employers have been responsive in providing safety equipment.

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Nigeria is ruled by a military regime under President Ibrahim Babangida, who came to power in an August 1985 coup. He led the overthrow of a previous military regime, which had seized power from a civilian government in December 1983. A 30-member Armed Forces Ruling Council (AFRC) is the country's main decisionmaking organ, while a mixed military/civilian cabinet presides over the Federal Government's executive functions. Military governors head each of the 21 states. The 1979 Constitution remains partially in effect, but significant provisions, namely those guaranteeing free elections, political parties, due process, and habeas corpus, are suspended. Federal and state legislation, promulgated by decree, is exempt from challenge in the courts. The Federal Military Government presented plans in 1987 to return the country to democratic, civilian rule characterized by a two-party system by 1990--later postponed to 1992. Following nationwide elections for local governing councils in 1987 and 1988, a constitutional assembly began deliberations on a draft constitution in June 1988.

The Government enforces its authority through the federal security apparatus--the military, the State Security Service (SSS), and the national police--and through the courts. No separate law enforcement agencies exist at the state and local levels. The Government generally exercises effective control over the security apparatus, but deficiencies in organization, management, and implementation of control have led to human rights violations.

Nigeria, with an estimated population of 110 million, is Africa's most populous country. It has a mixed economy in which the Government plays a major but declining role. In 1986 President Babangida announced a structural adjustment program calling for increased reliance on market forces and the private sector. Though the program formally was to end in June 1988, its essential elements remain in place, including a sweeping privatization effort affecting 92 state-owned companies and ambitious diversification projects, e.g., the liquefied natural gas plan.

Under the AFRC, human rights in Nigeria continued to be circumscribed in 1988. The Government enforced limits on press freedom; it proscribed organizations and detained persons it considered threatening, including journalists and trade unionists; and constrained political expression and association, at least until 1989, when some partisan political activity will be allowed to resume. Nevertheless, the Government repeatedly reaffirmed its commitment to human rights, which it defines in essentially Western terms, and initiated steps toward the reestablishment of a democratic system, e.g., the constitutional assembly. There is tension between the Government's commitment to fundamental liberties and its concern to maintain security and order in a country that suffered a devastating civil war in the mid-1960's and still experiences strong ethnic, regional, and religious divisions. However, in the lively press and public operation of local human rights organizations and among lawyers, academics, and political leaders, including President Babangida, human rights is an ongoing subject of debate. A major human rights concern is the slow pace of the court system: more than half the prison population has never been convicted of any crime, although many prisoners have been awaiting trial for years.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There was no evidence of politically motivated killing at government or private instigation in 1988. The October 1986 letter-bomb killing of the editor-in-chief of an influential newsmagazine, Dele Giwa, remains unsolved despite a continuing government investigation.

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

A portion of the 1979 Constitution still in effect outlaws torture and mistreatment of prisoners. Nigerian law provides that such excesses be dealt with in criminal or civil proceedings. There were no reports or allegations of torture in 1988. However, public allegations and evidence of police brutality frequently surfaced, primarily in connection with the treatment of suspected armed robbers.

In 1988 there was considerable attention given to prison conditions, which remain poor because of the lack of basic necessities. Food and medical facilities are particularly inadequate. As a result, malnutrition and disease are prevalent among those unable to receive support from private outside sources. The Government has announced plans for a program to build several new prisons. In May 1987, inmates at Benin prison rioted over food supplies, resulting in the deaths of 24 prisoners.

In addition to the poor conditions in the general prison system, recent confirmed reports indicate that the Government ran for 10 years an unofficial island prison, Ita-Oko, which the press reported was set in "some of the most inhospitable conditions known to man." The prison was closed on September 29, the day its existence was reported in the Lagos press. Accessible only by boat or helicopter, it was reported to be escape-proof for its approximately 20 prisoners. The Obasanjo Government founded the prison in 1978 and originally intended the island camp to be a "rehabilitation center" for homeless and idle Nigerians and illegal aliens who, it was alleged, were prone to crime. Under the Buhari regime it was used to incarcerate civilian and military detainees. The prison's population peaked under Buhari, when 50 prisoners were detained there. According to the Nigerian civil liberties organization, which discovered the prison, inmates were at the mercy of the Nigerian security forces who determined their length of stay.

d. Arbitrary Arrest, Detention, or Exile

The Babangida Government has retained the authority to detain without charge persons suspected of acts prejudicial to state security or harmful to the economic well-being of the country, as well as those suspected of being a threat to the Government under Decree 2 of 1984, the State Security (Detention of Persons) Decree. This Decree suspends sections of the 1979

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Constitution guaranteeing citizens the right to fair trial, due process, and judicial determination of the legality of detention (habeas corpus). While it imposes no time limit and disallows challenges of the detention in a court of law, the Decree provides for administrative review of such cases every 3 months. Several persons, including former politicians returning from self-exile, were detained under this Decree during 1987. In 1988 journalists and labor leaders were detained under this Decree for questioning, usually for periods of several days. In addition, the Federal Military Government announced in August 1988 that the authority to arrest and detain without trial had been extended to the Minister of Internal Affairs, who will now share this power with the Chief of General Staff and the Inspector-General of Police.

Some Nigerians were detained in 1988 without being held under the provisions of Decree 2 of 1984. Cumbersome administrative procedures and bureaucratic inefficiency can result in persons suspected of criminal offenses being held for extended periods without charge or trial. This is so even though provisions of the 1979 Constitution still in force stipulate that persons charged with crimes should receive a fair public trial in civilian courts within 3 months from the date of arrest. The Minister of Internal Affairs stated in September that, of a prison population of 58,000, 27,860 prisoners are awaiting trial. Human rights activists and press reports state that unless someone outside has kept track of the prisoner and his case, legal assistance may be delayed for years while the prisoner remains incarcerated. High Court chief judges continued in 1988 to exercise their right to release detainees who have already spent more time in prison than they would have if they had been convicted for their alleged crimes.

Following religious riots in northern Nigeria in March 1987, about 700 persons were detained for investigation. The Civil Disturbances (Special Tribunal) Decree, Decree 2 of 1987, promulgated after the riots, provided for investigation and the arrest and trial by a special tribunal of those suspected of committing specified offenses. Although this Decree made northern Nigeria's criminal procedure code the applicable law for the trials, administrative confusion resulted in long detentions into 1988 without charge or bail for many. However, by year's end, all of those involved had appeared before the tribunal, and either had been convicted or released. The cases of those who were found guilty were being reviewed by the Kaduna state military governor.

In 1988 the Government continued a process, begun in 1986, of reviewing the cases of persons detained or convicted under various decrees during the previous military administration (1984-1985), many of whom have already been released. At the end of 1988, the number of political detainees and prisoners was unknown but believed to be few. Most of those arrested as a result of the 1985 coup that brought Babangida into power have been released. Two exceptions had been former Head of State Muhamadu Buhari and his second-in-command, Tunde Idiagbon; however, both were released in December but remained subject to restrictions on their travel abroad. Shehu Shagari and Alexander Ekwueme, the former civilian President and Vice President overthrown in 1983, remained under similar restrictions in 1988.

With regard to forced or compulsory labor, see Section 6.c.

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e. Denial of Fair Public Trial

The 1984 decree modifying the 1979 Constitution left the judiciary relatively unscathed, but it shifted judicial responsibility for certain specified offenses to special military tribunals that were established outside the regular judicial system. The regular judiciary is composed of both federal and state courts and includes procedures for appeals from courts of first instance to appeal courts at state levels, then to the Federal Court of Appeals, and finally to the Federal Supreme Court. Courts of first instance under the 1979 Constitution include magistrate or district courts, customary or area courts, religious or Shari'a courts, and for some specified cases, the state High Courts. In some instances, the nature of the case determines which court enjoys jurisdiction. In others, when jurisdiction is overlapping, as in the case of customary and Shari'a courts, the plaintiff can designate the court. Shari'a, or Islamic Courts, are limited by the Constitution to the 11 northern states of Nigeria.

Trials in the regular court system are public and adhere to certain constitutionally guaranteed individual rights. These include a presumption of innocence, the right to be present at a public trial, to confront witnesses and present evidence, and to be represented by legal counsel if desired. In capital cases, the Government provides counsel for indigent defendants. In other cases, indigents must rely for counsel on the Nigerian Legal Aid Council, which has limited resources. There is a functioning bail system. Bail, however, is denied to those charged with murder and armed robbery.

Through decrees promulgated by the previous military government that are still in effect, the AFRC transferred jurisdiction over cases involving corruption, currency violations, armed robbery, and a variety of miscellaneous offenses, such as drug trafficking and illegal oil bunkering, from the civilian judicial system to special military tribunals. In these cases, those charged have access to legal assistance, bail (except in the case of armed robbery), and the right to appeal (except in the case of armed robbery and conviction under the Civil Disturbances Decree). In contrast to the previous regime, however, civilian judges head all Special Tribunals even though a representative of the military and the police are also included. Convictions for armed robbery by the Special Robbery and Firearms Tribunals carry the death sentence and no right of appeal, although the sentence must be confirmed by state military governors before it is carried out. Conviction under the Treason and Other Offenses Tribunal (formed in 1986) also carries the death sentence and provides for appeal only to the Joint Chiefs of Staff. The Special Appeal Tribunal began its first hearing in September 1987. Recommendations of the Appeal Tribunal are subject to AFRC confirmation.

There is criticism of the mandatory death penalty without right of appeal, especially for convictions for armed robbery where the sums involved are minor and there appear to be irregularities in procedure. Armed robbers have been sentenced to death for stealing sums as small as about $65. In another case, 12 males aged 16 to 18 were sentenced to death in a trial that the press and legal observers charged was riddled with irregularities. At year's end, the case was under review by the state governor.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Nigerian society is generally free of arbitrary interference by the State in the private lives of its citizens. Provisions of the 1979 Constitution still in force provide for rights of privacy in the home, correspondence, and oral electronic communications. While there have been isolated instances of unauthorized forced entry by security elements, the State does not carry out general surveillance of the population.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The modified 1979 Constitution continues to provide for freedom of expression and the press. In addition, the 1979 Constitution reserves for the federal and state governments the exclusive right to own and operate radio and television stations. There are no restrictions on ownership of print media, and Nigeria has a lively press. Among the many Nigerian daily newspapers are seven privately owned national dailies with large circulations, one daily owned by the Federal Government, and another in which the Federal Government owns a majority share. Many states operate their own daily or weekly newspapers. In some states, privately owned dailies compete with state papers. Six weekly newsmagazines (including two new ones in 1988) vie for national readership.

In practice criticism of the Government is tolerated, and there is generally open discussion of political, social, and economic issues. The AFRC, however, uses various techniques to limit public political expression and press freedom, e.g., it frequently cautions journalists, both publicly and privately, on their responsibility and the limits of the Government's tolerance of press freedom. As a result, journalists maintain that self-censorship is common.

In 1988 federal and state governments continued to interrogate and detain editors and reporters of newspapers when those organs published stories with which the Government took strong exception. There have also been allegations of harassment of editors and publishers by the security forces. Government officials have denied access to certain government buildings (such as State House) to journalists who published stories which the Government found embarrassing. The magazine This Week was suspended for several weeks for publishing a story on the President's advisors.

The Government also influences publications through administrative means. The military governor of Lagos State was considering a law which would compel publishers to send advance copies of publications to state officials when requested and to inform them of appointments of new editors. Penalties for violations would include heavy fines or closure of press offices. Because Lagos is the governmental, commercial, and information center of Nigeria, this edict would have repercussions throughout Nigeria if enacted. Several other states were also reported to have enacted such laws or to be considering them.

Academic freedom has generally been respected, although events in 1988 clouded the picture. In March the Government deported a university professor, Patrick Wilmot, a Jamaican national

who had lived in Nigeria since 1970 and is married to a Nigerian citizen. Although the Government accused Wilmot of spying for the South African Government, it never attempted to bring him to trial, nor did it produce any evidence to substantiate the charges. The Government, however, accused Wilmot of being a "radical" and of inciting students to "radical activities." His deportation came at a time when the Government had begun to warn Nigerians against so-called radical activity, and one state governor commented that "the deportation of Dr. Wilmot is a note of warning to other university dons who might toe his line." The Government has also cited the activity of "radicals" within the National Association of Nigerian students (NANS) and the Nigerian Labour Congress (NLC) as one of the reasons for banning the former and suspending the latter. The Academic Staff Union of Universities (ASUU) was also proscribed by decree in July.

b. Freedom of Peaceful Assembly and Association

Nigeria's 1979 Constitution assures all citizens the right to assemble freely and to associate with other persons in political parties, trade unions, or other special interest association. In practice, however, there are important limitations. The provision regarding the right to form and join political parties was suspended by Decree 9 of 1984. This Decree also authorizes the Government to dissolve or ban any other group considered to have objectives similar to those of a political party. Police monitor gatherings suspected of violating the ban. The Government frequently reminded Nigerians during 1988 of the continuing ban on political activity, and it also disbanded at least one group it suspected of violating the ban. The Government intends to allow the formation of political parties, limited to two, in 1989, but has insisted that both political parties must be national--that is, command significant support in all 21 states--and that neither be based on religion.

Nigerians form and participate in a wide variety of special interest organizations, including religious groups, trade groups, women's organization, and professional associations. Organizations are not required to register with the Government. Following the March 1987 religious disturbances, however, the Government required that religious groups be sanctioned by either the Christian Association of Nigeria or the Supreme Council for Islamic Affairs. Permits are not normally required for public meetings unless the venue is outdoors in a government facility and police security would be appropriate. In most states, open-air religious services, outside a church or a mosque, continue to be prohibited. The ban on NANS remains in effect, although some universities have allowed campus student governments to return.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Nigeria's 1979 Constitution prohibits the federal and state governments from adopting any religion as a state religion. This is adhered to in practice. Constitutional provisions providing for freedom of religious belief, religious practice, and religious education are generally respected. Allegations persist of harassment of Christians by officials in the predominantly Muslim areas of northern Nigeria in the form of bureaucratic obstacles to church construction that delay

projects, sometimes indefinitely. In 1988 Muslims in Plateau State, where Christians are in the majority in local governments, made similar charges. There are no restrictions on the numbers of clergy trained nor on contacts with coreligionists in other countries. Religious travel, including the hajj, is permitted and is even subsidized by the Federal Government. Missionaries and foreign clergy, though limited by quotas, are permitted to work in Nigeria. The Government places no obstacles in the way of Nigerian missionaries working in other countries.

Tensions between the Muslim and Christian communities remain high in some parts of Nigeria, though there has been no repetition of the violent religious rioting which took place in the northern state of Kaduna in 1987. In the aftermath of those disturbances, the Government instituted a ban, still in effect, on all religious organizations on postprimary campuses, while reaffirming the right of individual students to practice their religion in recognized places of worship. Several state governments temporarily banned religious preaching and the playing of religious cassettes outside places of worship, without the written permission of police. Publication of advertisements paid for by religious organizations remains banned, and religious programming on radio and television remains limited in some areas. In July 1987, the Government launched the Advisory Council on Religious Affairs, comprised of equal numbers of Christian and Muslim leaders. Some Christian leaders initially boycotted the Council's proceedings. By mid-1988, the Council had won acceptance from leaders of both religious communities, although it had not held a formal meeting by the end of 1988. The 1982 ban on the Maitatsine religious sect, the source of bloody disturbances in 1982 and 1983, remains in effect. The group still exists but is closely monitored by the police.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Nigeria's Constitution entitles citizens to move freely throughout Nigeria and to reside where they wish. The same provision prohibits expulsion from Nigeria or the denial of entry to or exit from Nigeria to any citizen. In general, these provisions have been observed. Following the local elections in December 1987 and March 1988, the authorities ordered in June the chairmen of local government areas to inform their respective state governors of their travel outside of their areas. An attempt has also been made to order traditional rulers to inform local government chairmen of their travel. Police blockades, ostensibly to combat the high crime rate, are set up throughout the country, and security authorities are often accused of demanding bribes or staging false arrests. There have also been cases of military personnel harassing citizens or taking the law into their own hands over personal disputes without being disciplined or punished. The Government has spoken out against these practices, but there have been few prosecutions for them.

Nigerians travel abroad in large numbers, and many thousands are studying abroad. Exit visas are not required. However, passports of editors and reporters have been seized to prevent them from traveling after their publications have printed stories offensive to the Government. Citizens who leave Nigeria have the right to return. Citizenship cannot be taken away for any reason, including political reasons, from persons who are citizens by birth or naturalization. No known

penalties have been levied on Nigerians who have emigrated, settled abroad, or acquired another nationality. However, Nigeria does not recognize dual nationality, and naturalization in another country does not release Nigerians from Nigerian laws.

Nigerians are free to change their place of work within Nigeria, but local laws and custom sometime disadvantage citizens not indigenous to the area. For example, access to limited places in elementary and secondary schools is more difficult for children of residents of other areas who must also pay higher school fees than the children of local residents.

Nigerian law and practice permit temporary refuge and asylum in Nigeria for political refugees from other countries. Nigeria supports and cooperates with the Lagos office of the United Nations High Commissioner for Refugees (UNHCR). Repatriation of refugees is normally conducted in accordance with UNHCR standards. In 1987 and 1988, several hundred Chadian refugees were repatriated at their request. No refugees were expelled in 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In 1988 citizens did not have the right to change their national or state governments through the electoral process. The 30-member AFRC headed by President Babangida is the highest political authority in Nigeria; there is no elected legislative body, and political parties are prohibited. President Babangida has repeatedly stated that 1992 is the date for returning Nigeria to complete civilian rule. The Government based its program for transition to civilian rule on the recommendations of the civilian Political Bureau, which conducted a nationwide year-long public debate on Nigeria's political future during 1986 and presented its findings to the AFRC in April 1987. While many of the Bureau's recommendations were accepted, the Government rejected or amended many other significant provisions, especially on socioeconomic policy. An appointed civilian Constitutional Review Commission completed its work in early 1988 and in April presented a draft constitution to the AFRC.

In June the Constituent Assembly, made up of representatives elected by local government areas and including representatives of special groups (labor, women, religious leaders) appointed by the Government, began the process of ratifying the Constitution. The new Constitution is expected to resemble closely Nigeria's 1979 Constitution. The Government, however, recommended a major change calling for a two-party rather than the multiparty system which permitted six political parties to participate in the last elections in 1983. While the Government has generally permitted deliberations to proceed without interference, it ended the Assembly's debate on extending the jurisdiction of Shari'a Islamic courts when Christian and Muslim delegates became deadlocked.

The Government also appointed a National Population Commission to undertake a nationwide census in 1991. The Government has indicated, however, that the results of the census will not be used for redrawing political districts for the national elections in 1992.

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In December 1987, the Government organized elections for local government area councils. In those jurisdictions where the results of these elections were invalidated because of fraud or mismanagement (about 6 percent of the total), new elections were held in March. In September the Federal Military Government suspended from office an elected chairman of a local government area for alleged financial irregularities connected to his involvement with a state-owned company. This act established that during the period of transition to civilian rule, the Federal Military Government may suspend elected officials without reference to the judiciary.

In local government elections, all citizens 18 years and older were eligible to vote. Dates have been set for additional elections at local and state level in the run-up to 1992.

Thousands of former Nigerian government officials, both civilian and military, are prohibited from participating fully in the transition process, although they remain eligible to vote. In September 1987, the Government significantly extended a ban announced in 1986 on partisan political activity for a large number of former politicians from the last civilian regime (1979-83) to include many political figures from the first civilian republic (1960-66) and past and present high-ranking military leaders. These persons, including President Babangida himself, will be barred from contesting any election until after the transition is completed in 1992. Also, former politicians who were officers of the previous parties will be forbidden to hold office in any political party or to run for elected office until that time. Furthermore, any person convicted or removed from office for various misdeeds at any time since 1960 will be banned for life from contesting elections or holding any political party office.

Along with the July 1987 announcement of the political transition program, the Government promulgated Decree 19 of 1987, which makes persons who might in any way forestall or prejudice the transition program liable to a prison term of up to 5 years. The Special Tribunal authorized to try offenses under Decree 19 was formed in October 1987. Its decisions may be appealed to the Special Appeal Tribunal. In addition, anyone who takes part in forming a political body prior to the lifting of Decree 9 (1984) or encourages others to join him in misrepresenting or distorting the provisions of the transition program is subject to the same penalty. No one has yet been charged under Decree 9, but the Government has frequently warned that such violations are being monitored and are subject to prosecution.

The composition of the AFRC and Cabinet reflects greater ethnic and religious diversity than any Government in the recent past. There are currently no women, however, on the AFRC or the National Council of Ministers (Federal Cabinet). Five women serve as directors general in cabinet departments; some serve on state executive councils or as commissioners in state governments. A few women also won posts in the local government area elections in December and March. One woman sits on the Federal High Court, and several sit on State High Courts.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

As far as is known, the Government did not respond to Amnesty International's (AI's) several 1988 appeals concerning commutation of individual death sentences and an end to executions. There were no investigations of alleged human rights violations in Nigeria during 1988 by any international or nongovernmental agency. The Babangida Government has repeatedly renewed its pledge to uphold basic human rights and to tolerate criticism from local human rights advocates. It does not interfere with local human rights organizations. The Human Rights Committee of the Nigerian Bar Association monitors the domestic human rights situation and consistently speaks out against human rights abuses. At least three other groups also monitor human rights practices in Nigeria: the Council of Human Rights, an independent organization founded in late 1985; Citizens for Human Rights; and the Civil Liberties Organization, which was founded in 1987, discovered Ita-Oko prison and published what it considered human rights violations in 1988. The former Bar Association president and chairman of its human rights committee continues to hold the post of Attorney General and Minister of Justice. AI maintains an office in Ibadan and has active chapters throughout the country, both on university campuses and among civil servants. Its annual human rights report is publicized in the Nigerian Press.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no official policy of discrimination among Nigeria's 250 ethnic groups, and laws do not specifically favor one group over another. The Government generally makes a conscious effort to strike a balance among different groups in its decisionmaking and in appointment to key governmental positions. However, Nigeria has a long history of tension among the diverse ethnic groups, and tradition continues to impose considerable pressure on individual government officials to favor their own ethnic or religious group. Allegations of religious and ethnic favoritism or harassment persist. Ethnic and regional hiring quotas based on considerations of federal character are observed in most public sector employment. Persons whose family is not indigenous to their state of residence frequently experience difficulty in jobseeking, school enrollment, and other areas.

Women have always had economic power and exerted influence in Nigerian society through women's councils or family connections. As primary school enrollment increases, women are gaining greater access to education. There has been a dramatic increase in the number of women who have university degrees and who have become professionals, including teachers, lawyers, doctors, judges, senior government officials, media figures, and business executives. Despite a degree of economic independence, women suffer discrimination in employment and other areas, experience social prejudice, and have only a few representatives in the political arena.

The pattern of discrimination against women varies according to the ethnic and religious diversity of Nigeria's vast population. In some states, husbands can prevent their wives from obtaining employment or passports. In many states, a widow cannot inherit her husband's property, which in the

absence of children usually reverts to the husband's family. Women do not receive equal pay for equal work, and male professionals receive fringe benefits not extended to their female counterparts. Female circumcision is still practiced in some areas, as is the selling of young girls for marriage by poor rural families.

Section 6 Worker Rights

a. The Right of Association

In 1981 organized labor claimed 3 million members out of a total work force of 30 million. All Nigerian workers 16 years or older may join trade unions, with the exception of members of the armed forces and designated employees of essential government services as defined by the Federal Military Government, which it may vary by decree. Employers are obliged to recognize trade unions and must pay a dues checkoff for employees who are members of a registered trade union. Nigeria has an active trade union movement, and one which has been, within limits, relatively free. However, this movement has been subject to government oversight which reached extraordinary proportions during 1988.

Despite provisions in the 1979 Constitution and Nigeria's ratification of 28 International Labor Organization (ILO) conventions, government decrees and policy continue to restrict labor freedoms. A 1978 decree created a single central labor body, the Nigeria Labour Congress (NLC), forcibly merged a number of unions into 42 industrial unions, and deregistered all other unions. The Government has not acted upon the ILO Committee of Experts' finding, first enunciated in 1979 and subsequently repeated, that this decree violates ILO Convention 87 on freedom of association and protection of the right to organize, to which Nigeria is a party. Nor has the Government accepted the Committee of Experts' recommendation that the decree be amended.

Since 1978 the NLC has been subject to close government oversight. In February 1988, the Government dissolved the national and state executive councils of the NLC, appointed a temporary administrator, and in September announced that it would merge the present 42 unions into 19 prior to holding new NLC elections in December; the plan was abandoned prior to the elections.

The 1978 decree also created senior staff associations for white collar workers, which a 1986 decree explicitly excluded from NLC membership, forcing two such associations to withdraw.

Since 1975 government policy has permitted international labor affiliation only with the ILO and the Organization of African Trade Union Unity and associated pan-African labor federations. Government policy does permit, however, informal "fraternal relations" with foreign unions and international trade secretariats as long as there is no formal affiliation.

The right to strike is recognized by law, again except in the case of essential services. The definition of essential services varies; in 1988 nurses struck and were allowed to negotiate their grievances. On the other hand, during the April-May labor unrest, the Federal Military Government made it clear that strikes by utility workers would not be tolerated.

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Work stoppages, strikes, and protests during 1988 focused primarily upon worker and trade union opposition to the Structural Adjustment Program (SAP) and pay issues. The NLC organized a campaign in November 1987 to protest against the Government's announced intent to remove or reduce oil subsidies as a part of the SAP. A series of nationwide strikes, focused in the north, took place in April when the Government raised petroleum product prices by amounts varying from 6 percent to 300 percent. The Government detained an estimated 140 workers and trade union leaders in the wake of these strikes. They were eventually released as part of an agreement between the unions and the Government to end the strikes and to undertake extended discussion between government and labor representatives over the issues involved. Those discussions continued at year's end.

University lecturers went on strike in June to demand payment of salary increases promised them since January, and bank workers were also on strike in July demanding payment of new salary increases. In October some senior employees of the National Electric Power Authority (NEPA) disrupted power in the north and elsewhere, demanding NEPA's commercialization, removal of employees from the civil service structure, and increased salaries. In November railway workers struck for 1 day to press their demand for 3-months' back salaries. Dockworkers went on strike in December, protesting the delayed payment of salary step increases to which they were entitled.

In response to the June strike by professors and staff, the Government proscribed the Academic Staff Union of Universities (ASUU), which has not been replaced by another organization. Government officials claimed the strike continued illegally after the dispute had been referred to the industrial arbitration panel. The 1978 Trade Disputes Decree forbids strikes and lockouts while disputes are under mediation by this body. In December, 11 senior NEPA employees were sentenced to life imprisonment, subject to confirmation by the AFRC, for conspiracy and inducing certain employees to disrupt electrical power service. Also in December, the Government released three bank union officials, who had been detained since July. The release of the bank officials was believed to be a good will gesture toward the newly elected President of the NLC, Paschal Bafyau.

b. The Right to Organize and Bargain Collectively

The labor laws of Nigeria permit collective bargaining between management and trade unions. However, a series of restrictive measures imposed by the Government during the last 2 years significantly reduced the range of issues left for bargaining. In February 1987, the National Economic Emergency Decree of 1985, which granted the Federal Military Government broad authority over labor matters, was extended for 2 more years. The Federal Military Government transferred to state governments the power involuntarily to deduct special levies from the salaries of workers for financing state development projects. A national wage freeze, imposed in 1984, was lifted in January, allowing a return to collective bargaining on basic salary levels. Collective bargaining is common in the industrial sector of the economy which, however, is relatively small. Nigerian law protects workers against retaliation by employers for labor activity. Labor legislation is applied uniformly throughout Nigeria.

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c. Prohibition of Forced or Compulsory Labor

Nigeria's 1979 Constitution provides that "no person shall be required to perform forced or compulsory labor." While this provision is generally observed, two exceptions have been made. The first is the National Youth Service Corps (NYSC) begun under the Gowon regime (1966-1975). All Nigerian youths or young adults who have completed college or university training and are under the age of 30 must complete 1 year of work in the NYSC. Jobs range from agriculture to office work and teaching, and some effort is made to match jobs with previous training or post-NYSC occupational goals. The Government also attempts to use the NYSC to build "federal character" by sending individuals to work in parts of the country away from their area of upbringing or ethnic affiliation. The other exception is the environmental clean-up campaign, begun under the Shagari regime and continued by the present Government. All citizens are required to spend the morning of the final Saturday of each month tidying their house, yard, and neighborhood. All movement during this period is suspended, and persons may be arrested for violating this rule. This does not include emergencies or official travel. At the end of the morning, full freedom of movement is restored.

The ILO Committee of Experts has noted that various provisions of the Labor Decree of 1974, the Merchant Shipping Act, and the Trade Disputes Decree of 1976 impose sanctions that obligate work for breaches of labor discipline or for taking part in a strike. The Committee has urged the Government to adopt the necessary measures to bring these laws into compliance with ILO Convention 105.

d. Minimum Age of Employment of Children

Nigeria's 1974 Labor Decree prohibits employment of children under 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The Labor Decree does allow the apprenticeship of youths aged 13 to 15, but only under specific conditions. Apprenticeship exists in a wide range of crafts, trades and state enterprises; with respect to apprentices over the age of 15, their activity is not specifically regulated by the Government. As most of Nigeria's large population lives in rural areas, the Government's ability to enforce these laws is limited.

e. Acceptable Conditions of Work

Nigeria's 1974 Labor Decree also established a 40-hour workweek, prescribes 2 to 4 weeks of annual leave, and sets a minimum hourly wage for commerce and industry which amounts to about $25 a month. This wage is sufficient only for the most minimal standard of living in the cities. The 1974 Decree contains general health and safety provisions, some aimed specifically at young and female workers, enforceable by the Ministry of Employment, Labour, and Productivity. Employers must compensate injured workers and dependent survivors of those killed in industrial accidents. The ineffectiveness of the Ministry in enforcing these laws in the workplace is regularly criticized by labor unions.

RWANDA

Rwanda is a one-party state which has been ruled by Major General Juvenal Habyarimana since his accession to power in a nonviolent coup in 1973. Founder of the single party, the National Revolutionary Movement for Development (MRND), he was again confirmed as President in the December 1988 elections. The President sets government policy in consultation with the party's Central Committee and the Council of Ministers. The National Development Council (the legislature), established in 1982, ratifies laws but is not independent from the MRND. Legislative candidates must be approved by the party, which normally approves two candidates per seat.

The major organizations responsible for administration of justice include the Ministry of Justice, the judicial police, and the gendarmerie, a paramilitary force which receives specialized police training. In addition, the Central Intelligence Service in the Office of the President can make certain decisions which may not be appealed, such as denial of passports to Rwandan citizens or the extension of visas and residence permits to foreigners.

Most Rwandans are poor rural farmers. There is little industry, and imports are expensive because of high transportation costs. Food production has managed to keep pace with the high population growth rate. Rwanda's major exports are coffee and tea, and the Government has a liberal policy toward trade and investment.

Restrictions in practice on freedoms of religion, speech, association, and the right of citizens to change their government continued in 1988. The Government in 1987 released 295 members of certain religious sects convicted of charges (refusal to join a political party) relating to observance of their religion. In 1988 the Government denied a request by one of those sects, the Jehovah's Witnesses, for legal recognition; but it has not interfered with their right to practice their religion. Public pronouncements by the President and the Minister of Justice frequently refer to the importance of human rights. Rwanda hosted in June a seminar on the promotion of human rights in Africa. Also in 1988, it gave temporary asylum to 41,000 Burundi nationals (mainly Hutus) fleeing ethnic violence in northern Burundi.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There was no evidence of politically motivated killing at government instigation in 1988. In May 1988, an army sergeant accused of the murder of a prominent colonel reportedly died during interrogation by military and security authorities. Subsequently, three officers were arrested in connection with the case.

b. Disappearance

There were no unexplained disappearances in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture in 1988. In the past, Amnesty International (AI) has noted allegations of torture made in court by political prisoners, involving severe beatings and the use of electrical shock treatment. But AI also noted the Minister of Justice's efforts to punish security and police officials found to have mistreated prisoners.

d. Arbitrary Arrest, Detention, or Exile

Except for suspects caught in the act of committing crimes, arrests are made with a warrant following an investigation. There were no known exceptions in 1988 to the legally mandated warrant procedures. In most cases, charges must be stated formally in the defendant's presence within 5 days of arrest. Failure to meet this requirement constitutes grounds for dismissal of the charges.

Under broad preventive detention provisions, persons may be held for 30 days if public safety is believed to be threatened, if the accused might flee, or if the penalty carries a minimum sentence of 6 months. At the end of that period, judicial review is mandatory. Detention may be prolonged indefinitely for 30-day periods. Detainees may appeal their incarceration, and the appeal must be heard within 24 hours by a competent judicial authority. Ministry of Justice personnel conduct daily official visits to prisons to assure that proper documentation exists for each detainee. These officials can order detainees released if arrest conditions do not conform to the law.

Rwandan security forces occasionally employ arbitrary arrest and detention on political or security grounds. Most detentions are short-term, often for less than 24 hours. However, in January 1988, several relatives and associates of a Rwandan exile who had been implicated in a 1980 coup attempt were arrested and held without charge or judicial review. They remained in prison without charge at the end of the year.

Sentencing to exile does not exist. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is statutorily independent and expected to apply the penal code impartially, but in practice the Government exercises influence in political and security cases. The President appoints and dismisses magistrates. Laws passed in 1982 strengthened the independence of the judiciary by improving the process of selecting judicial personnel and more closely defining their functions. The administration of justice has been hampered by poor management and a generally low level of education among civil servants. The Ministry of Justice conducts training programs for officials and judges and plans to establish a magistrate training center. In 1987 over 650 magistrates participated in two seminars organized by the Ministry, and another 30 magistrates took part in an intensive 9-month training program. The Ministry was planning another series of training seminars for magistrates, court clerks, and judicial administrators.

All defendants are constitutionally entitled to counsel; but because of a shortage of lawyers, many defendants are not represented at trial. Family and other nonprofessional advisors are permitted. Trials are public, and those which arouse extensive public interest are often broadcast to the street to permit persons who cannot be seated in the courtroom to follow the proceedings.

Rwanda has three separate court systems for criminal/civil, military, and state security cases. All but security cases ultimately may be appealed to the Court of Appeals. Convicted criminals must file an appeal within 3 months of the date of judgment. In April 1987, the President criticized the practice of some judges of delaying and backdating the issuance of court opinions, thus effectively eliminating the possibility of an appeal. He ordered the implementation of administrative procedures to stop such abuses. The State Security Court has jurisdiction over national security charges such as treason. Decisions of this Court may not be appealed before the Court of Appeals. If procedural violations are alleged in security cases, these may be brought before the Court of Cassation. If the Court of Cassation finds that procedural violations occurred, the case is sent back to the State Security Court and is tried by a different panel of judges.

At the end of 1988, Rwanda was holding three prisoners convicted of crimes against domestic security. These include the former chief of state security, who was involved in a coup attempt in 1980. Along with four codefendants, he was convicted of murder for the killing of political prisoners and was sentenced to death in 1985. His sentence, as well as that of one of his codefendants, was commuted to life imprisonment in 1988. The other prisoner's sentence has been reduced to 20 years. Four other prisoners implicated in the 1980 coup attempt were released from prison in 1988 after completing their sentences.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Rwandans are subject to occasional interference in their private lives. Police normally are required to have warrants before entering a private residence, but, using the pretext of checking required documentation, authorities in practice gain entry into homes without warrants. There is no evidence that the Government monitors private correspondence, and the receipt of foreign publications is permitted.

All Rwandans are required to be members of the MRND and to pay party dues.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law guarantees freedom of speech and press, but these statutory assurances are not observed. Open criticism of government policies and officials is rare. Such criticism increased somewhat in 1987, but appears to have lessened in 1988. The Government sought to mute critical statements in the months leading up to presidential and legislative elections, primarily through the increased presence of security agents in public places and through occasional short-term detentions. Candidates in the 1988 legislative

elections were restricted to expressing opinions and advocating policies consistent with party doctrine. Members of the National Development Council have in the past criticized government policies from the floor of the Council.

The Government controls radio broadcasting (the most important medium in reaching the public) and produces a daily press bulletin and a weekly newspaper. Two Catholic church publications sometimes print muted criticism of political and economic conditions. Such criticism is tolerated and occasionally even encouraged by the Government. There is no record of any journalist having been arrested for what he has written. The Government has cautioned the press, however, to avoid what it regards as "harmful" criticism of leaders. It maintains that the press should devote its efforts to "promoting development." Books and imported publications are not censored. There were no known incidents involving restrictions on academic freedom of inquiry and research at the university.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is limited. No public meetings or demonstrations are permitted if there is any chance they will result in expressions of overt opposition to government policies. The Government permits private associations, but it requires that they be officially registered and accorded legal recognition. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution, but limited government harassment of and discrimination against several nonconformist religious groups, including the Jehovah's Witnesses, continues. The Government denied a Witnesses' request for legal recognition in October. Many observers believe this was on the grounds that the group refuses to recognize its authority to require citizens to salute the national flag, to join the sole political party, or to join the army. Government officials have indicated, however, that the Witnesses' right to practice their religion will not be impeded.

The population is 70 percent Christian and 1 percent Muslim, with the remainder following traditional African or no religious practices. Eighty percent of the Christians are Roman Catholic, but there are active Protestant denominations. The Roman Catholic Archbishop of Kigali, who had been a member of the MRND Central Committee, resigned from the Committee in January 1986, apparently to bring his status into accord with Vatican doctrine. The Government depends upon church-sponsored schools for a considerable portion of education in Rwanda (over 85 percent of secondary schools are church sponsored).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement and residence within Rwanda is restricted by laws and regulations which require all residents to hold national identity cards and residence and work permits. People who wish to spend more than 3 days in a township other than their own must obtain permission from the authorities of the area they will be visiting. Police conduct periodic

checks, especially in urban areas, and return all those not registered in the locality to their own township. Property owners who do not require tenants to show valid documentation are subject to fines and even imprisonment. Undocumented tenants are subject to expulsion.

A major deterrent to foreign travel was eliminated in 1987, when the Government abolished the requirement for posting substantial deposits (as much as $600) with passport applications. Applicants now need only pay a small ($20) nonrefundable fee for a passport, and they must hold a valid exit visa. Foreign travel is controlled by means of a security check of all passport applicants conducted by the Central Intelligence Service, but unexplained refusals appear to be less frequent than in the past. Properly documented Rwandans may emigrate.

There are an estimated 225,000 Rwandan refugees in neighboring countries. Most are ethnic Tutsis who fled Rwanda during the revolution of 1959 and subsequent ethnic violence associated with independence in 1962. Official policy permits these people to be repatriated on a case by case basis if the refugee does not represent a security risk, and if land is available in Rwanda. The lack of land, therefore, effectively precludes any significant repatriation. In 1988 approximately 24 refugees returned to Rwanda from Burundi. The Government's position is that demographic pressures and strained economic resources preclude any large-scale return of these refugees. It has encouraged countries hosting the refugees to offer to naturalize them; this has not been well received by Rwanda's neighbors.

Rwanda hosts some 19,000 Burundi refugees (mainly Hutu) who fled the 1972 massacres. In mid-1988, 41,000 Burundi nationals fleeing ethnic violence again sought refuge in Rwanda. The Rwandan Government refused to accord official refugee status to this latest group but did grant temporary asylum. Rwanda has received widespread praise for its efforts to meet the humanitarian needs of these refugees, most of whom had returned voluntarily to Burundi by the end of 1988.

Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

Rwandans have no opportunity to change their government through a free choice of alternative candidates from opposing parties. The MRND, the sole body permitted political activity, makes all policy decisions and nominates all candidates for public office. It in turn is dominated by the President, who also holds the position of President of the MRND. He chooses the Central Committee members and is the only constitutionally recognized candidate for president. Every citizen is automatically a party member and is required to pay party dues representing 2 days' pay per year. Delegates are both elected and appointed to the party's governing National Congress, which meets every 2 years. The essential function of the Congress is to endorse the programs presented by the party leadership. The 1988 Congress rejected calls for the election of local party officials by secret ballot rather than the raising of hands.

Only candidates approved by the party may run for the legislature, the National Development Council. The President also can veto candidates for the Council. Within the one-party system, the voters can, and sometimes do defeat

incumbents in elections. Presidential and legislative elections are held every 5 years, most recently in December 1988 when President Habyarimana was reelected to a fourth 5-year term. There is only one candidate for the presidency; each legislative slot has two candidates nominated by the party, who are identified on official documents as to their ethnic origin. Votes for the President are cast by means of color-coded cards indicating a yes or no vote.

Women play a relatively minor role in Rwandan political life. The 25-member MRND Central Committee includes 3 women, and, as a result of the December 1988 elections, the National Development Council has 12 female deputies out of a total of 70 members. The Vice President of the Kigali Court of Appeals is a woman. A number of women serve on local councils.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Rwanda has taken some steps in recent years to participate in human rights activities and to improve its human rights record. It receives and cooperates with delegations from human rights groups, including a delegation from Amnesty International in May 1986. Representatives of the International Committee of the Red Cross (ICRC) made a regular visit to prisons and spent 3 weeks in Rwanda in the fall of 1987. There were no reports of requests for outside investigations of alleged human rights violations in 1988. The Ministry of Justice hosted a conference in June on human rights which was attended by representatives of 12 Francophone African countries. The conference focused on the preparation of human rights reports required by U.N. agencies and other organizations.

Rwanda is a signatory to the International Covenants on Economic, Social, and Cultural Rights and on Civil and Political Rights, as well as the African Charter of Human and People's Rights. Rwanda is also a member of the U.N. Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In 1959 the majority Hutu ethnic group (89 percent of the population, according to the 1978 census) overthrew the Tutsi monarchy. In 1962 Belgium granted internal autonomy and then independence to a Hutu-led government which had overwhelmingly won a U.N.-supervised election. This movement against the Tutsi marked the end of the traditional, feudal society in which the Hutu had lived in subordination for centuries, and the beginning of a more modern society that places greater emphasis on individual rights. During the next decade, Hutu efforts to redress the social, economic, and educational discrimination suffered under Tutsi rule led to division and corruption among the Hutus and to sporadic ethnic strife. This gave rise to the coup d'etat which brought President Habyarimana, a Hutu, to power in 1973.

The Constitution states that "all citizens are equal before the law, without any discrimination, notably that of race, color, origin, ethnicity, clan, sex, opinion, religion, or social position." However, the legal requirement that ethnic origin be listed on identity documents serves to ensure that informal quotas corresponding to the Hutu/Tutsi ratio in

society are not exceeded. The Tutsi minority is in fact discriminated against in education and has been relegated to a minor role in government, civil service, and the military. Private business is the only aspect of society in which the Tutsis wield any significant influence.

Following the Government's steps to restrict the activities of some religious groups, there have been incidents of discrimination based on religious affiliation. In 1986, for example, one high ranking government official reportedly was threatened with arrest because of his membership in the Jehovah's Witnesses, and three Witnesses were fired from the Ministry of Transport and Communication for their religious beliefs.

Women perform most of the agricultural labor and have benefited less than men from social development. Despite the language in the Constitution, women's rights to property are limited, and women are not treated equally in divorce proceedings. Moreover, women have fewer opportunities for education, employment, and promotion. Family planning services are inadequate but are improving, and the President has been an outspoken advocate of family planning efforts. There are few organizations promoting women's interests, and efforts to establish a national women's organization within the party have been unsuccessful. The Government is completing revision of the Rwandan Family Code. The new Code will modernize Rwandan laws concerning marriage, divorce, the status of children born out of wedlock, child custody, and other elements of family law.

Section 6 Worker Rights

a. The Right of Association

The Rwandan economy consists largely of subsistence farming. There is very little industry, and hence few workers in the modern, wage economy. Labor organizations have just begun to develop, and the Government is guiding this evolution through a new labor union, the Central Union of Rwandan Workers (CESTRAR). The Union is integrated into the sole political party, the MRND, Other workers' associations no longer have the right to exist independently but must affiliate with CESTRAR. CESTRAR's organizers contend that having a variety of different labor organizations might threaten national unity. CESTRAR's Executive Committee was elected in December 1987, and a number of training sessions and organizational conferences have taken place. Union membership (open to all salaried workers) is optional.

While CESTRAR's mandate is still evolving, initial indications are that CESTRAR's leadership intends to focus on nonwage-related work conditions and on providing training opportunities to its members. In theory, CESTRAR members have the right to strike, but only with the approval of the Executive Committee--in effect, the Government. CESTRAR has established positive relations with employer organizations to improve labor conditions. However, CESTRAR remains primarily a political instrument designed to encourage more active party involvement by salaried workers. CESTRAR is affiliated with the Organization of African Trade Union Unity and the Organization of Central African Workers.

RWANDA

b. The Right to Organize and Bargain Collectively

The right to organize "professional organizations" and to engage in collective bargaining with employers granted by the labor code is exercised within the framework of CESTRAR. Government control of CESTRAR combined with the small size of the wage economy is a significant constraint on the collective bargaining process. Labor laws are implemented uniformly throughout the country. There are no export processing zones.

c. Prohibition of Forced and Compulsory Labor

Forced labor is prohibited by Rwandan law and does not occur in practice.

d. Minimum Age for Employment of Children

Except in the subsistence agriculture sector, which is the overwhelming employment of most Rwandans, children under 18 are not permitted to work without their parents' or guardian's authorization, and they may work at night only under exceptional circumstances on a temporary basis. The Minister of Labor may grant work permission to a child under 14. Child labor outside the agricultural sector is uncommon.

e. Acceptable Conditions of Work

Minimum wages in the small modern economic sector are set by the Ministry of Labor. The current minimum wage is approximately $1.50 per day; higher minimum wages apply to certain professions. The minimum wage is inadequate to provide a decent standard of living for urban families and is often supplemented by work in petty commerce or agriculture. Hours of work and occupational health and safety in the modern wage sector are controlled by law and enforced by labor inspectors. Government offices and most private sector companies have a 43 hour workweek which includes Saturday morning community service.

SAO TOME AND PRINCIPE*

Sao Tome and Principe is a one-party state led by President Manuel Pinto da Costa since winning its independence from Portugal in 1975. He also leads its sole legal party, the Movement for the Liberation of Sao Tome and Principe (MLSTP), whose Central Committee is the key policymaking body. Most of the Ministers and Ministers-Delegate in the 12-member Cabinet (headed by the Prime Minister) are members of the Central Committee. The Popular Assembly is the country's legislative body and acts to ratify bills proposed by the President. In the postindependence period, the MLSTP prevailed over a more radical group, the Civic Association, some of whose members went into exile.

The 300-member paramilitary Security Police Force reports to the Chief of Security Police in the Ministry of Defense. Sao Tome's small armed forces are supplemented by 300 Angolan soldiers, who have been present on Sao Tome since a 1978 invasion threat and who help guard the airport and other strategic locations. There are now less than 50 Cuban technical advisers. Sao Tomean armed forces, acting without the help of the Angolan troops, successfully repulsed a March invasion attempt by 42 mostly unarmed "commandos," part of an exile group located in Portugal, who landed on Sao Tome expecting the island's population to rise up against the Government. They were quickly defeated.

In 1984 the Government, recognizing that Marxist-Leninist economic practices had brought the economy to ruin, turned to Western nations and international financial and development institutions to help reinvigorate the economy. Previous inefficient, state-directed agricultural practices and policies, combined with a birth rate of about 3 percent, had resulted in serious food shortages and the need for food assistance, primarily from the United Nations' World Food Program. President Pinto da Costa reorganized his Government in January to try to cope more effectively with the continuing economic crisis and to implement reforms being negotiated with the International Monetary Fund (IMF) and the World Bank. One key aspect of the economic reforms is a land privatization plan which will turn state-owned plantation land back to private farmers.

Human rights are tightly circumscribed in Sao Tome and Principe. Constitutional changes begun in 1987 may broaden political participation somewhat. For example, organizations other than the MLSTP will be allowed to run candidates for the Popular Assembly elections. The Government also moved in 1988 to include some of the former exile leaders, notably the present Foreign Minister, Dr. Carlos da Graca. The Government publicly committed itself in 1988 to permit due process, including an open trial, for the 40 commandos detained after the coup attempt. The trial had not begun by the end of the year.

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*There is no American Embassy in Sao Tome. Information on the human rights situation is therefore limited.

SAO TOME AND PRINCIPE

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings by the Government. However, two commandos were killed by security forces during the March 8 invasion.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There is little information available on this subject. Prison conditions are known to be severe. Amnesty International (AI) made a special appeal to the Government in 1988 expressing concern about possible mistreatment of the arrested commandos. About 20 of the detainees were interviewed on television a few days after the arrests, and many viewers observed that the face of one of the commando leaders appeared bruised and swollen. AI reported that the detainees were held incommunicado, without access to family or legal counsel. Since spring, families have had access to prisoners.

d. Arbitrary Arrest, Detention, or Exile

The 40 opposition commandos are in prison awaiting trial. The Foreign Minister told the press in September that these persons would be brought to trial soon, that they would be provided defense counsel, and that the trial would be open to the press. However, at the end of 1988 the trial had not begun. Several other people also were arrested in the wake of the coup attempt, but fears that the Government might use the "invasion" as an excuse for wide-scale arrests of government critics did not materialize.

With the return to Sao Tome of Carlos da Graca, former Minister of Health and currently Foreign Minister, one of the country's two most important exile figures has accepted President Pinto da Costa's standing invitation to return to the islands. Former Prime Minister Miguel Trovoada and many lesser known government opponents still remain in self-exile.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Justice is administered at the highest level by the Supreme Tribunal, named by and responsible to the Popular Assembly. Thus the judiciary's independence is limited. Lower tribunals are appointed to try military cases. The Constitution does not address the right to a public trial, but there have been instances of public trials in recent years. Criminal trials occasionally are reported by the local media. In most cases, common criminals are given a hearing and are sentenced by a judge. There is no tradition of independent defense counsel or jury.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government ensures that potential dissidents are identified through a loosely organized system of informers and monitoring of political activities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

No public criticism of, or opposition, to the Government is tolerated, but MLSTP Central Committee members have criticized government policies and personalities in closed sessions. These criticisms rapidly become public knowledge after the sessions, with no apparent adverse consequences for the critics. Sao Tome media, consisting of a television station, a radio station, and occasionally a newspaper, are government controlled and reflect faithfully the government and party line.

b. Freedom of Peaceful Assembly and Association

These freedoms are limited. Historically, political assembly and activity have been legal only within the context of the MLSTP. Since October 1987, there has been an easing of assembly and association requirements. The MLSTP Central Committee authorized a constitutional amendment permitting nonparty groups to propose candidates for election to the Popular Assembly, which may lead to more open discussions and meetings. Functions sponsored by cultural and social organizations require government authorization. In another recent development, cooperative and professional associations are now permitted with government approval.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Religious freedom is provided for in the Constitution. The three major religious communities--Roman Catholic, Protestant, and Seventh-Day Adventist--are allowed to practice freely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The geographic isolation and poverty of this island country severely limit foreign travel by its citizens. The Government closely controls exit visas for the few people who travel--almost exclusively those on government missions or medical evacuation trips. Citizens move freely around and between the island of Sao Tome and the smaller island of Principe, 90 miles away. But the lack of interisland transport (by slow ferry or twice-a-week propeller plane) makes such travel difficult. Many Sao Tomeans live in Gabon and Angola, due mostly to the lack of employment opportunities on the islands.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The present one-party political system does not accord citizens the right to change their government through the electoral process. Political power is exercised by the ruling

sole political party, the Movement for the Liberation of Sao Tome and Principe (MLSTP), and its leader, Sao Tome President Manuel Pinto da Costa. To maintain his leadership position, the President requires the support of a majority of the MLSTP Central Committee, a group which represents diverse economic and political ideologies and can be fractious on occasion. Government policy is formulated by President Pinto da Costa in consultation with the Prime Minister and other key cabinet and security officials.

Following changes in the party constitution proposed in October 1987, the MLSTP now encourages multicandidate elections for Popular Assembly seats and direct election of the President of the Republic (previously election was by vote of the members of the Popular Assembly) by secret ballot. All candidates must still be approved by the MLSTP. Elections of the President and the members of the Popular Assembly are held every 5 years. The last elections were held in September 1985.

Two women hold important positions in the Government--the President of the Popular Assembly and Minister of Education and Culture. However, in general women play a limited role in political life.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Sao Tome is an isolated nation with little outside contact. The Government reacted postively--promising an open trial for the invaders--to Amnesty International's 1988 appeal for the well-being of, and due process treatment for the arrested commandos. No groups in the country are known to monitor human rights developments. Sao Tome is a member of the U.N. Commission on Human Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Sao Tomean population (94,000 on Sao Tome, 20,000 on Principe) is relatively homogeneous in a common Luso-African culture. There have been no reports of political discrimination on a tribal, regional, sexual, or religious basis. Sao Tome citizens of Cape Verdean origin are regarded as overly ambitious, and there is resentment of them by the rest of the populace. The inhabitants of Principe often feel neglected by the central Government, an attitude accentuated by the current economic crisis.

Like men, women face drudgery and low wages on the large cocoa plantations. A disproportionately small number of women have gained access to government and professional positions.

Section 6 Worker Rights

a. The Right of Association

The right of association is restricted. The sole trade union is affiliated with the party and exists mainly on paper. Most salaried workers in the country are on the large state-owned empresas (plantation-like agricultural enterprises) and generally do not leave the estate, which includes all community facilities.

SAO TOME AND PRINCIPE

There is no explicit legislation forbidding strikes, but no strikes have been held, and it is doubtful that strikes would be permitted by the Government. Sao Tome and Principe is a member of the International Labor Organization (ILO) but does not always send worker delegations to ILO conferences.

b. The Right to Organize and Bargain Collectively

There is no information currently available on whether collective bargaining is legally permitted, but the Government is the determining force in setting wages and working conditions. Because of mismanagement, neglect, and unproductivity of state-run empresa, workers are sometimes not paid salaries for up to 6 months.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor.

d. Minimum Age for Employment of Children

A legal minimum employment age of 18 years is observed, although children perform agricultural work on family plots.

e. Acceptable Conditions of Work

The beginning basic salary for an empresa worker is about $34 per month, with the median salary being around $50 per month. These wages are not sufficient to provide a decent living for workers and their families. The empresa workers survive by running up debts at the company store, which are deducted from their "paper" wages. Workers are provided free (but very poor) housing, rudimentary medical care, and access to the subsidized company store. Implementation of IMF-imposed measures (such as devaluation of the currency and reductions in food subsidies) will make the empresa workers situation even more difficult in the short run. However, a few empresa have been turned over to private entrepreneurs, and the condition of workers on these estates is slowly improving as cocoa production increases and modern management techniques replace Socialist collective farming.

Basic occupational health and safety standards are contained in the Social Security law of 1979. It is not known to what extent they are enforced.

SENEGAL

Senegal is a republic with an elected president and unicameral legislature. Although Senegal has 17 legal political parties, the Socialist Party has dominated the political scene and controlled the Government since independence from France in 1960. Vice President Abdou Diouf automatically succeeded the retiring President Leopold Senghor in January 1981. Diouf was elected President in his own right in the regularly scheduled elections 2 years later, and his Socialist Party won 111 of 120 National Assembly seats. In the hotly contested presidential elections of February 1988 (the results of which were disputed by the opposition), Diouf was reelected with 73 percent of the vote. In the concurrent National Assembly elections, the Socialist Party took 103 seats and the opposition Senegalese Democratic Party (PDS) 17 seats.

The Senegalese military (about 15,000 men, including the paramilitary gendarmerie) is a professional, disciplined force which maintains a tradition of aloofness from politics and is respected by the population. Civilian security forces are fairly well trained and generally respect the laws they enforce; those who do not face criminal prosecution.

Although the Government and ruling party describe the national economy as socialist, Senegal in fact has a mixed economy with a substantial private sector. Recent economic reforms--encouraged by the International Monetary Fund and donor countries--include new private initiatives in agriculture and industry and selling off unprofitable state-owned enterprises. There is growing concern, however, about the political impact of the economic reforms--particularly in Dakar, where high unemployment and deteriorating social conditions contributed to marked opposition gains in the February elections.

Senegal's favorable human rights record was tested in 1988 in the handling of the violence and controversy surrounding these national elections. The President declared a state of emergency in the Dakar region which was confirmed by the National Assembly. The state of emergency lasted 3 months, during which the Government had the authority to restrict some civil liberties, including freedom of the press, assembly, and movement of persons. In practice, the Government, while imposing a curfew, exercised considerable restraint in using this authority. While more than 300 persons were arrested for violence, the few persons who were convicted received light sentences. The Government pressed charges against the defeated presidential candidate, Abdoulaye Wade, and seven other opposition figures for endangering national security. But the State Security Court gave Wade only a 1-year suspended sentence after a public trial. Soon afterwards, the National Assembly approved a presidential amnesty for Wade and others convicted with him. Also included in this amnesty were most persons convicted in connection with past separatist activities in the southern province of Casamance.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There was no evidence of any killings for political motives.

b. Disappearance

There were no reports of politically motivated abduction.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Government officials in Senegal generally respect the section of the criminal code prohibiting physical abuse. There are, however, instances of the use of force by lower level police officials in the interrogation of suspected criminals. There were unverified reports that some of those who were arrested during the postelection violence in 1988, including one journalist covering the story, were kicked and beaten by the police. Prison conditions are severe, and food is little better than the subsistence level. In accordance with African practice, families and friends of detainees are permitted and even expected to provide food and amenities.

d. Arbitrary Arrest, Detention, or Exile

The constitutional prohibition against arbitrary arrest or detention is respected in practice. The Senegalese legal system is patterned after the French. A person suspected of a crime may be legally held without charge for 48 hours after arrest and may be held up to 72 hours if ordered by a public prosecutor. Temporary custody, which replaced "preventive custody" in 1985, is permitted when civil authorities determine that there is a threat of civil disturbance or that an individual is a threat to himself or others. Temporary custody is valid for a maximum period of 6 months, but it may be renewed for additional 6-month periods if the investigating magistrate certifies that this time is required to complete the investigation. There is no limit to the number of times it may be renewed. These laws are generally respected by law enforcement officials, and charges are formally and clearly drawn. By law, every person has access to legal counsel during every step of the legal process. In practice, persons with means will have private attorneys. The court appoints public defenders for indigents charged with felonies.

During the state of emergency, which was in effect from February 29 to May 20, the Government had the authority to order house arrests and declare administrative internment for up to 2 months of persons whose activities presented "a danger to public order." The Government was also empowered to hold suspects 8 days before charging them, which it did in the case of the arrested opposition leaders. No house arrests were made, however, nor were there any cases of administrative detention.

At least one instance of arrest with political overtones remained unresolved at the end of 1988. On August 27, police in Louga arrested 14 members of 2 opposition parties. Five were charged under the penal code with unlawful assembly and inciting a riot; the other nine were released without charge. Opposition newspapers claimed the meeting had been authorized by local authorities, then abruptly forbidden at the last minute under pressure from the provincial governor. The five charged were provisionally released pending trial. On November 10, a judge dismissed the case, ruling that the group had gathered in a private home and therefore did not come under the provision regulating public meetings. At the end of 1988, the Government had appealed the case, and the five arrested remained free.

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With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial.

Senegal has an active and well-trained judiciary, which is constitutionally independent of the executive, the legislature, and the military. Court officials are lawyers who have completed a number of years of required apprenticeship. Trials are public, and defendants have the right to a defense attorney. Ordinary courts are presided over by a panel of judges which in criminal cases includes a panel of citizens as a form of jury. Although magistrates are appointed by decree and judges are not subject to government supervision, they are sensitive to Government concerns. There are occasional allegations that the courts are not immune to government pressure and that some judges have been removed from cases when they proved too independent-minded.

There are four categories of special courts: the High Court of Justice, the State Security (or "political") Court, the Court for the Repression of the Unlawful Accumulation of Wealth, and the military courts. The High Court of Justice, created for the sole purpose of trying high government officials for treason or malfeasance, has never met. The State Security Court, consisting of a judge and two assessors, has jurisdiction over cases involving politically motivated crimes. The "Illegal Enrichment" Court, which has only judged three cases since it was created 7 years ago, is not presently active. The military court system has jurisdiction over offenses committed by members of the armed forces during peacetime. Civilians may not be tried by military courts.

On April 21, PDS leader and defeated presidential candidate Abdoulaye Wade and seven other opposition figures went on trial before the State Security Court on charges of endangering the national security and inciting to riot. The charges grew out of violence in the wake of the February presidential elections and were filed under the state of emergency declared by the President. The trial was conducted in open court, under intense international scrutiny, and followed established procedures. Wade and his colleagues were defended by a large team of lawyers, some of them non-Senegalese with international reputations. On May 11, the Court acquitted Wade of endangering national security and inciting to violence but found him guilty of having "called an unarmed crowd into the street." Wade received a 1-year suspended sentence; one defendant received 2 years in prison and two others 6 months each; and three were acquitted and released. Two weeks later, the President and the National Assembly granted amnesty to all those convicted.

In this same amnesty, the National Assembly voted on May 28 to free persons convicted of crimes related to separatist activities in the southern province of Casamance--except for those sentenced to more than 15 years for the murder of 7 gendarmes in December 1986. A small separatist movement in Casamance has for some years carried out clandestine political activities and associated attacks on military personnel. All of those arrested during those events have either been convicted or released.

There are no political prisoners in Senegal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

There is little government interference in the private lives of Senegalese citizens, particularly in rural areas. There is no evident pattern of monitoring the private written or oral communications of Senegalese citizens. There are constitutional safeguards against arbitrary invasion of the home. Search warrants are required and under normal circumstances may be issued only by judges and in accordance with procedures established by law. While there is no evidence that public security forces systematically violate the law in this regard, searches without warrants occasionally take place.

Under the state of emergency decree, the Government was permitted to authorize searches by day or night without judicial oversight, a power it exercised in searching the homes of the arrested opposition leaders. The decree also authorized government control of all postal, telegraphic, and telephone communications, although this power was not exercised.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided constitutionally and is generally respected in practice. Subject to restrictions relating to public order, a wide variety of political expression is possible. There are, however, laws prohibiting personal attacks against the chief of state or the institutions of the Republic. Another law prohibiting the dissemination of "false news" has been criticized for having a possible chilling effect on journalists. Full academic freedom is enjoyed by the schools and the country's sole university.

Publications, including foreign publications, are neither censored nor banned in Senegal. Publishers are required to register with the central court prior to starting publication, but such registrations are routinely approved. There are many regularly published magazines and newspapers, and a number of publications appear sporadically reflecting a broad range of political opinion from conservative to Marxist. Senegal's most professional and informative newspaper (and only daily) is controlled by the majority Socialist Party. The wave of demonstrations, strikes, and violence occurring in the wake of the disputed elections was featured in the press, and articles critical of government policies and officials occasionally appear in the semiofficial paper.

Notwithstanding the diversity, the official media (including the government-controlled radio, which is by far the most important medium of news dissemination) are subject to controls over their news coverage. Activities of the ruling party are always covered, while the opposition parties are mentioned only occasionally and selectively, e.g., communiques are not read in their entirety, or certain factions are excluded in favor of others less hostile to the Government. News stories which affect and interest Senegalese are sometimes ignored completely in the official media. For example, official coverage of the civil disorders and arrests and trials of opposition leaders following the February elections was partial and selective. Neither television nor radio investigated opposition charges of election irregularities.

Coverage of the subsequent trials of opposition political leaders was sparse on television, better on radio, and most complete in the daily print media. During the state of emergency, the Government had the authority to issue orders to control the press and all publications as well as radio and television broadcasts, movie showings, and theatrical productions.

There are also legal limits on access to, and use of, the official media during election campaigns, as well as restrictions on the use of public opinion polls. The ruling party and its allies are entitled to 50 percent of the time allotted to political broadcasts, while the opposition parties divide the remainder. In postelection reconciliation talks between the Socialist Party and the opposition last summer, wider and regular access to the media emerged as a key opposition demand, and President Diouf has announced his intention to introduce legislation in the National Assembly to increase such access.

A national commission reviews all films prior to public showing. Movies with pornographic content, excessive nudity, or scenes offensive to Senegalese sensibilities regarding family or religion are censored or banned. No instances are known of films being banned because of offensive political content.

b. Freedom of Peaceful Assembly and Association

Senegalese freely exercise their constitutional right of assembly, within certain restrictions aimed at protecting public order. Prior authorization for public demonstrations is required, and demonstrations or protest meetings against government policies are closely monitored by security services. During the state of emergency, the police did legally break up several peaceful demonstrations, and some demonstrators were briefly detained. Many opposition party activities are hindered or delayed because rallies or meetings can be banned by a local police official. The opposition claims that these techniques are used to limit their access to the people and to stifle their voice as in the case of those arrested in Louga (see Section 1.d.).

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Senegal is constitutionally a secular state, and freedom of religion is a legal right which exists in fact. Islam is the religion of over 85 percent of the population, but no attempt has been made by the Government to introduce Shari'a (Islamic) law. Other religions, the major one of which is Roman Catholicism, are freely practiced. Missionary activity is permitted, and foreign Protestant missionaries are active in several regions of the country. Conversion is permitted, and there is no discrimination against minority religions. Adherence to a particular religion confers neither advantage nor disadvantage in civil, political, economic, military, or other sectors.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Senegalese Constitution states that all citizens have the right to move and establish themselves freely anywhere in Senegal, a right that is respected in practice. Since 1981 exit visas are not required for travel outside the country. There is no restriction on emigration, and repatriates are not officially disadvantaged on return to Senegal. A nighttime curfew was imposed on the residents of the Dakar region under the February-May state of emergency.

The United Nations High Commissioner for Refugees (UNHCR) maintains a regional office in Dakar. According to the UNHCR, Senegal is host to less than 200 registered and assisted refugees. A number of refugees from several African countries--including a colony near Fatick of some 5,000 from Guinea-Bissau--have been integrated into the economy and society over several years and are no longer receiving assistance.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Senegal is a functioning multiparty democracy with universal suffrage for all citizens over 21. The Socialist Party has dominated Senegalese political life since independence. Parties may not be based on divisive factors such as language, religion, or ethnic group. Presidential and legislative elections are held concurrently every 5 years. In February 1988, the Socialist Party turned back a strong challenge from an opposition coalition led by the Senegalese Democratic Party (PDS). The Supreme Court, certifying the balloting, declared President Diouf reelected with 73 percent of the vote; his principal challenger, PDS leader Wade, received 26 percent. For the National Assembly, the Socialist Party received 71 percent (103 seats), PDS 25 percent (17 seats), and minor opposition parties 4 percent (no seats). Overall, the opposition scored considerable gains over its showing in the 1983 national elections. Opposition leaders claimed widespread electoral fraud and have publicly disputed the legitimacy of the announced results. Some fraud was substantiated, especially concerning the misuse of voter identification cards. The Supreme Court invalidated results from a number of precincts on procedural as well as substantive grounds. However, the consensus among independent observers was that the election results generally reflected the opinions of the voters. Opposition leaders have since urged reforms in the electoral code, including a tightening of the voting identification card system and mandatory secret voting. The President has announced his intention to introduce legislation on election code reform.

Women are active participants in the political process, and several parties, including the dominant Socialists, have sections promoting women's rights. Diouf's Cabinet includes 2 female ministers (out of 21) and 1 junior minister (out of 5), and 15 female deputies sit in the National Assembly. Senegal's new permanent representative to the United Nations is a female career diplomat, and women occupy other key professional posts in the Government.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government allows human rights groups to investigate allegations concerning human rights abuses in Senegal and responds to requests for information about those allegations. Senegal is a leader among African countries in the promotion of international standards for human rights practices. For example, it sponsored the African Charter on Human and People's Rights of the Organization of African Unity (OAU) and was a founder of the OAU's African Human Rights Commission in 1987. Its officials serve in a variety of pertinent bodies, and its representative to the U.N. Human Rights Commission is currently its chairman. Dakar is the headquarters of several institutions which foster human rights and democratic pluralism in Africa. Amnesty International has an active chapter in Dakar which frequently sends missions to investigate reports of human rights abuses in Africa; for example, in September 1988 a Senegalese lawyer and member of AI monitored the trial of Mauritanian military officers.

Section 5 Discrimination Based on Sex, Race, Religion, Language, or Social Status

While officially there is no discrimination in Senegal based on race, religion, or language, the country is predominantly Muslim and Islamic customs, including polygamy and the rules of inheritance, generally prevail, especially in the rural areas.

The status of women has steadily improved under government encouragement and increased educational opportunities. However, the reality is that women are still confined largely to traditional roles, notably in the large subsistence agricultural sector. Women usually marry young (the majority at age 16), average about seven live births, and die relatively young. Sixty-seven percent of women aged 40 to 45 live in polygamous unions. Women are barred from the armed services and paramilitary gendarmerie, and a requirement that new police officers have prior military experience effectively has put an end to the recruitment of women in that service.

A subtle form of discrimination based on social status does exist against families "of caste," that is, persons traditionally occupied with menial jobs in the community such as tanners, blacksmiths (and, by extension, gold and silversmiths), wood carvers, and some fishermen. Although it is against the law to even mention the caste of a Senegalese, traditions persist, and virtually all citizens know where each person fits in the social hierarchy. Families sometimes refuse to permit the marriage of a daughter to a young man of caste because it would lower her status. At the same time, a number of persons from caste families have risen to the highest levels of the Government.

Section 6 Worker Rights

a. The Right of Association

There is no comprehensive census of the economically active population in Senegal, and data concerning the labor force are incomplete. The working population (15 to 59 years old inclusive) is estimated at 50 percent of Senegal's nearly 7 million citizens. Of these, at least 75 percent are engaged

in rural activities such as cultivation, herding, fishing. At least 85 percent of the remaining 800,000 are engaged in small, privately owned and operated businesses. Approximately 100,000 are government workers or employees of state-owned business enterprises.

A minimum of seven people, each having worked within their profession for at least 1 year, may form a union by submitting a list of members and a charter to the Ministry of Interior. A union can be disbanded by the Ministry if the union's activities deviate from the charter. Even though they represent a small percentage of the overall population, unions wield a significant amount of political influence, primarily because of their ability to disrupt essential services.

Unions have the right to strike, and during 1988 there were frequent strikes by the teacher/professor, electrical, and health worker unions which were resolved in bargaining with the Government. Senegalese unions are represented in international labor organizations, such as the International Labor Organization (ILO) and the Organization of African Trade Union Unity. Almost all the unions are based in the capital city of Dakar.

The National Confederation of Senegalese Workers (CNTS) was formed in 1969, and while ostensibly an independent umbrella organization, it follows government policy closely. It has come under fire recently by opposition parties who believe the CNTS puts government needs before those of the workers. Several small unions, usually of leftist/Communist orientation, have broken away from the CNTS and attempted to form a parallel umbrella organization. Members of these breakaway unions are concentrated within a few specialized areas, including teachers, university professors, and health workers. Although these defections have eroded the CNTS' prestige and influence somewhat, it remains Senegal's largest and most powerful labor organization.

b. The Right to Organize and Bargain Collectively

Senegalese unions have the right to organize and to bargain collectively, and these rights are protected in practice. There are no known instances of workers being forcibly discouraged from exercising these rights. In recent years, as the economic situation worsened and factories and businesses closed down, collective bargaining has succeeded in several instances in guaranteeing extended benefits for laid-off workers. For example, the union representing workers at the recently closed Bata shoe factory secured from management a generous severance package. Subsequently, agreement was reached between Bata, the Government, and the union to reopen a restructured Bata facility with a reduced labor force. The CNTS has been a major force in establishing, through collective bargaining, regulations and guidelines for the well-being of workers. Government policy is to let the CNTS handle labor union problems, but the Government has in the past intervened when requested. For example, a government financial consultant was tasked to verify a company's claim of bankruptcy due to high labor costs.

A free zone exists in Dakar into which goods may be imported for manufacture and reexported without payment of duty. Senegalese labor laws apply in this zone.

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c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Senegal. The ILO Committee of Experts, however, has noted that under sections of the Merchant Navy Code seafarers can be punished for breaches of labor discipline with sentences of imprisonment involving compulsory labor. The Government has stated that in practice no such sentences have been passed by judges; nevertheless, the Committee has urged that the provisions be brought into conformity with Convention 105.

d. Minimum Age for Employment of Children

The minimum age for employment in Senegal is 16 for apprenticeships and 18 for all other types of work. These restrictions are closely monitored and strictly enforced within the formal wage sector, that is, the area of the economy over which the Government can exercise some supervision such as state agencies, large private enterprises, or farmers gathered into cooperatives. On the other hand, minimum age and other workplace regulations on family farms in rural areas and in privately owned businesses are much less well enforced. Children under 16 are employed in this informal work sector, but there were no reported incidents of "sweat shops" or work-related abuses of children in Senegal.

e. Acceptable Conditions of Work

The CNTS has been very successful, within the wage sector, in forcing implementation of acceptable conditions of work, including standard workweeks (40 hours per week for most professions), holiday/annual leave benefits (usually 1 month per year), and a variety of health and safety regulations. These regulations are incorporated into the labor code approved by the National Assembly. Recent CNTS efforts have concentrated on raising the minimum wage, currently approximately $0.70 an hour, which is not considered sufficient to maintain a decent standard of living.

SEYCHELLES

The Seychelles is a one-party state led by President France Albert Rene, who took power in June 1977 in a military coup d'etat and forced into exile a number of former leaders, including the then president, James Mancham. A new Constitution, adopted in 1979, abolished all political opposition to the ruling Socialist party, the Seychelles People's Progressive Front (SPPF). This Constitution provides for a strong presidential executive, who appoints ministers, and a People's Assembly of 23 elected members and several appointed members. The 1987 elections to the Assembly were competitive (more than one candidate vied for some seats), but all candidates were members of the SPPF.

Seychelles has a defense force of about 800 army personnel, a 300-man presidential protection unit, a 100-man navy, a 15-man air force, a uniformed police force of 500, and a people's militia of about 1,000.

The Government, through the Seychelles marketing board, its many other state enterprises, and banking regulations, controls the importation, licensing, and distribution of virtually all goods and services and exercises significant control over all phases of the economy. Tourism is the most important sector, accounting for 11 percent of the gross domestic product. Employment, foreign exchange earnings, construction, banking and commerce are all dominated by tourism and related industries. Seychelles has made progress toward diversifying its economy by granting fishing licenses to 40 foreign trawlers, and it services this trawler fleet at expanded port facilities in Victoria, which were financed by foreign donor assistance. In addition, a tuna canning factory has begun operation and is adding to foreign exchange earnings.

Human rights continue to be significantly restricted. The Constitution does not guarantee fundamental human rights, but rather describes them in a preamble as the goal of the people of Seychelles. The Public Security Act, which allows for indefinite detention in security cases, serves to intimidate real and potential opposition. The Government also uses exile as a means of suppressing dissent and in 1988 continued a program of acquiring real property belonging to Seychellois residing overseas who are known to oppose the Government. There were no reported instances of torture in 1988 and no political arrests or detentions. One case that had raised human rights concerns was resolved in 1988 when Royce Dias, an opponent of the Government, was released from prison.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political killing

There were no confirmed instances of killing for political motives in 1988.

b. Disappearance

There were no reports of disappearance in 1988.

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c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution explicitly forbids torture, and there were no new reports of torture in 1988. The Government made no apparent effort to investigate credible allegations of torture that occurred in 1986. Generally, prisoners are well fed and supervised by professional prison wardens. Prisoners are normally incarcerated on isolated islands, although family visits are routinely arranged. There is a review tribunal which is supposed to monitor prisoner treatment, but the tribunal has not met since the late 1970's.

d. Arbitrary Arrest, Detention, or Exile

There were no confirmed reports in 1988 of persons being arrested and detained under the Public Security Act, which allows for indefinite detention in security cases. The Act has been used in the past under questionable circumstances, as in 1986 when Phillippe Boulle, the leading human rights activist in the country, and others were detained for 5 months without formal charge. In addition to those held under the Act, police sometimes detain persons for up to 24 hours for questioning regarding alleged antigovernment activities. In particular, persons who seek to mobilize public opinion against the Government run a serious risk of being detained for questioning. At the end of 1988, there were no known political detainees, the last detainee under the Act having been released in September 1987.

The Government has in the past taken various other actions against potential opponents. Some government workers have been fired without recourse to appeal or review. Other persons have suffered social and economic harassment and have received direct or anonymous threats which they interpreted as signals to leave the country. Frequently, the Government has directly urged opponents to emigrate, an option that many have chosen over the years.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Defendants in nonpolitical (both civil and criminal) cases have access to counsel and enjoy speedy and fair trials. The right to trial is patterned on English common law, although there is also a heavy influence of Napoleonic code law. Judges are provided under arrangements with the British Commonwealth and, except for past security cases, they have exhibited considerable independence from both the executive and legislative branches. The Chief Justice, who is appointed by the President, has stressed on several occasions that it is the judiciary's responsibility to impose sentences as required by law and that it should reflect the will of the legislature.

The President exercises quasi-judicial powers. He has not only appointment authority but also broad detention authority where public security is involved. Seychelles' law requires that a member of the armed forces be tried by court-martial unless the President decrees otherwise. In theory, the Constitution precludes the President from dismissing judges. However, the President dismissed the previous Chief Justice, an action which has so far not been subjected to legal review.

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Amnesty International (AI) expressed concern about Royce Dias, a known opponent of the Government, alleging that the criminal charges against him had been fabricated for political reasons. Dias' 7-year sentence for possession of drugs was later reduced by the appeals court to 5 years. In January he was released early from prison as part of a general amnesty which included other prisoners. Dias subsequently departed from Seychelles and is now living in the United Kingdom.

AI's 1988 report stated the organization had received reports that John Both, a supporter of former President Mancham, and then serving a prison sentence for drug possession, may have been imprisoned for his political views. Both's attorney alleged that the drugs were planted but failed to provide independent corroborating testimony. Both was released from prison in mid-1988 after serving 2 years of his 3-year sentence, with 1 year off for good behavior.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The authorities have broad powers of search and seizure without a warrant. The Seychelles Marketing Board Act, passed in 1984, allows police to enter any premises, private or public, and to seize any documents which they believe may be in violation of the Act. Legislation exists which allows the Government to open mail, domestic as well as international, and it is widely believed that it does. Many persons complain that applications for immigration to other countries mailed from overseas are confiscated.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although theoretically protected under the Constitution, freedom of speech is exercised sparingly. The Government controls the major newspaper in the country, as well as all radio and television broadcasting. Legislation provides up to 3 years' imprisonment for anyone "who with intent to bring the President into hatred, ridicule, or contempt, publishes any defamatory or insulting matter whether in writing, print, or by word of mouth, or in any other manner." This same legislation authorizes a 2-year sentence for anyone who "prints, supplies, distributes, reproduces, or has in his possession or control" any publication banned by the Government for security reasons. The Government has sought to prevent the importation of pamphlets printed by its opposition abroad. There were no known arrests for distribution or importation of "seditious literature" in 1988.

The President has kept his promise not to interfere with the right of religious groups to speak out freely. The Catholic Church publishes a lively paper, Echo Des Isles, which is not subject to government censorship. The paper carries some articles which obliquely criticize the Government. The two largest religious denominations in the country, the Roman Catholic and the Anglican churches, are each provided 2 hours of free, uncensored broadcasting time a month. Both churches have taken advantage of the monthly broadcasts to comment on social and political issues.

Broadcasts and telecommunications originating in Seychelles are subject to the Broadcasting and Telecommunications Act of 1988, which consolidated a number of regulations which had

been on the books for years. The Act authorizes the Government to restrict the transmission of messages, prohibit the broadcast of any material which in the Government's opinion is objectionable, and enter any premises and examine any apparatus in connection with the Act. In 1988 the Government issued a new, 25-year broadcasting license to the Far East Broadcasting Association (FEBA), a radio missionary organization which has broadcast the Christian gospel to Asia and Africa from Seychelles for the past 18 years. The BBC opened a new relay facility on the main island of Mahe in October 1988. Foreign broadcasts are widely listened to and are uncensored. Foreign publications are imported and sold without hindrance.

Education at all levels is totally controlled by the Government. The Ministry of Education, Information and Youth operates the schools, determines the curriculum, and hires the teachers. Political indoctrination is prevalent in the lower grades, especially at National Youth Service villages, less so at the highest level--the polytechnic (U.S. high school equivalent). There are no private schools except for those operated exclusively by and for expatriates.

b. Freedom of Peaceful Assembly and Association

The Government has in the past been quick to move against unauthorized demonstrations and has made arrests under an old British colonial law which prohibits unlawful assembly without a government permit, but no such incident occurred in 1988. All associations, clubs, and other organizations require government permission to organize, which is usually granted for nonpolitical groups only.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no religious persecution in the Seychelles, and church services are widely attended. The Roman Catholic, Anglican, and other Christian demoninations thrive, and Muslims and Hindus are unrestricted in their religious practices.

There is a clear separation between church and state. Religious instruction in schools has been limited. The Government has addressed religious institutions' complaints that artificial impediments have made it difficult, if not impossible, for children (ages 14-17) in the National Youth Service (NYS) to attend church by allowing services to be held at the NYS camps.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel. Seychellois traveling abroad for study at government expense are required to sign a bond which enables the Government to recoup the cost of their education if they fail to return. Persons who are "bonded" must obtain government permission to travel abroad following their return. There are no known cases in which passports are currently being withheld. There are no restrictions on voluntary repatriation for Seychellois willing to accept the present one-party political system.

SEYCHELLES

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Since 1979 there has been only one legal political party, the Seychelles People's Progressive Front (SPPF). All political (and much social) activity is channeled through this institution. Citizens cannot change the one-party system, and therefore cannot change the party in power. President France Albert Rene, both as President of the country as well as the Secretary General of the party, wields considerable power and influence. During the last SPPF Congress held in December, 1987, the President was again unopposed and was elected unanimously to a fourth 3-year term as Secretary General of the party. Opponents of the party can neither organize nor express public opposition. The party has 23 regional offices, called "branches," which are responsible for organizing and supervising discussion about current government policies. These branches are encouraged to report public opinion in their regions, but this does not often result in policy changes.

One woman serves as a cabinet minister, and she and two other women are serving as Central Committee members of the party. Many other senior officials, up to and including the rank of state secretary, are women.

The Government has, and uses, various means to stifle political opposition. In 1983 it embarked on a campaign to nationalize private land, ostensibly to claim unused agricultural acreage. On March 13, 1987, the Government, under the Land Acquisition Act of 1977, implemented a vigorous program of acquiring parcels of Seychelles real estate owned by Seychellois abroad known to oppose the Government. Compensation, supposedly at market value, is usually in the form of bonds and is paid to the owners over a period of 20 years. Acquisitions increased in 1988, not only of properties belonging to nonresident Seychellois, but also of properties belonging to foreign nationals and of resident Seychellois not known to oppose the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not been particularly responsive to inquiries from international and nongovernmental organizations. A report of the U.N. Commission on Human Rights noted three outstanding disappearance cases dating back to 1977 and 1984 to which there has been no response from the Government since 1986. However, requests for information are processed and sent to the Chief Justice of the Supreme Court, who acts as an interlocutor between human rights groups, such as AI and the Government. In the past, inquiries have led to the release of some detainees.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no discrimination in housing, employment, education, or other social services based on sex or on racial, ethnic, national, or religious identification. Women enjoy high status in this essentially matriarchal society. They have the same legal, political, economic, and social rights as men, and generally there is no disparity in wage rates.

SEYCHELLES

Section 6 Worker Rights

a. The Right of Association

The right of workers to associate is restricted in that there is only one authorized union, the National Workers' Union (NWU). It is under the direct control of the Government and the party and is not, therefore, an independent trade union. Despite being a transmission device for the Government, the NWU plays an effective role on behalf of workers and forces employers to address workers' complaints. All prospective workers for positions in government and in the private sector can be hired only through the Central Employment Registrar. In a sense, they become members of the union automatically upon employment because a portion of their mandatory social security contributions goes directly to the NWU. Under the terms of the Employment Act of 1985, union officials are appointed by the Government rather than elected by the membership. Shop stewards, however, are elected by the membership of the various NWU chapters at the workplace.

There is no Seychelles law which specifically prohibits strikes, but any organized work stoppage could easily be stymied by the Government's invocation of one of several public ordinances against unauthorized demonstrations. The last strike in Seychelles occurred in 1977.

The NWU lost its seat on the governing body of the International Labor Organization (ILO) when it failed to attend a 1981 meeting in Geneva. Although the Government continues to pay dues to the ILO, it has not sent a delegation to annual ILO conventions in recent years. The NWU is permitted to affiliate with a regional trade union organization and is a member of the Organization of African Trade Union Unity. It also maintains contact with the International Confederation of Free Trade Unions (ICFTU) but was forced to disaffiliate from the ICFTU in 1981 by the party.

b. The Right to Organize and Bargain Collectively

There is no collective bargaining in the true sense of the term. Authority over wages, hours, benefits, and conditions of employment is vested in the Ministry of Employment and Social Services, which enforces the provisions of the Employment Act of 1985 and establishes pay schedules applicable to all sectors. The NWU, through the Ministry, has signed collective agreements which establish maximum working hours for various occupations. Private employers and the larger state enterprises are subject to the "collective bargaining agreements" which have been established for the various "sectors" of employment. The parameters of these agreements are determined in negotiations between the Federation of Employers' Associations of Seychelles and the NWU. These agreements vary from sector to sector, but all provide minimum standards that are set by the Ministry. The Ministry must also approve any agreement before it goes into effect. Any grievances which might arise later are subject to discussion in worker-management committees at the workplace, with the Ministry having the final say, should arbitration fail.

There are no export processing zones. Labor legislation is applied uniformly throughout the country.

SEYCHELLES

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Seychelles.

d. Minimum Age for Employment of Children

The minimum working age, monitored and enforced by the Government, is 15, with supervised training programs available to some youngsters at age 14. In establishments within the tourist sector, the minimum working age is 18.

e. Acceptable Conditions of Work

The basic minimum wage, established by law, is equivalent to $109 a month, which falls below the subsistence level. The de facto minimum wage is $200 a month, which is barely adequate in Seychelles' relatively high-priced economy. Workers employed on the outer islands are entitled to a range of additional mandatory allowances and benefits. The maximum workweek, established by law, is 48 hours with shorter hours for some occupational groups. NWU officials have responsibility for monitoring and enforcing occupational safety and health conditions in the workplace. Regulations are not extensive in this area, and enforcement even less so. The NWU is working with the Government to develop preventive safety measures, but this effort has not moved beyond the discussion stage.

SIERRA LEONE

Sierra Leone has a one-party system of government with the President exercising predominant executive authority. The 1978 Constitution, approved in a national referendum, established the All People's Congress (APC) as the country's sole legal political party. Major-General Dr. Joseph Saidu Momoh assumed power on November 28, 1985, following a national referendum confirming his designation by the APC for the Presidency.

The security structure includes the Defense Force (1,500-2,000 men), the regular police (3,000-5,000), and a paramilitary branch of the police, the Special Security Division (1,000-1,500). The Defense Force is responsible for preventing external aggression and wide-scale civil disturbances. The police are responsible for law and order and internal security. The Special Security Division's role is not well defined, but, under the previous regime, was used to enforce the political decisions of the President. In September President Momoh proposed creating another special division with the express purpose of stopping illegal trafficking in precious resources, e.g., gold and diamonds.

About 70 percent of Sierra Leone's 3.9 million population is engaged in agriculture, mainly subsistence farming. For many years the economy has been in a steady decline, in part due to falling world diamond prices and to reduced rice production. Mineral exports, notably titanium ore, gold, and diamonds, are the principal sources of foreign exchange. The Constitution recognizes the right of the individual to own private property, but government ownership is retained in certain key sectors, particularly in the transportation and marketing of mineral exports. In November 1987, the Government imposed a state of economic emergency to counter the deteriorating economic situation and combat hoarding and smuggling. The program granted the State authority, inter alia, to detain persons without trial, to control the movements of people, and to limit press reporting.

The human rights situation in 1988 continued to be restricted by the economic emergency legislation. In 1987-88, the Government used its new powers forcefully, notably in the initial months, and there were abuses of human rights, e.g., in the detention of a number of persons without charge or trial, in arbitrary strip searches at roadblocks, and in restricting the assembly of several groups wishing to demonstrate peacefully. The constitutionality of the emergency laws was upheld by the High Court, and they remained in effect at the end of 1988. The treason cases of former Vice President Francis M. Minah and 17 others continued in 1988 in the Court of Appeals. In September this Court upheld the convictions and death sentences of Minah and 11 others, sustained the prison sentences of 2 others, and reversed the convictions of 4 persons. Those sentenced to death for plotting to assassinate the President have appealed to the Supreme Court and still have the option of appealing to the Clemency Board chaired by the President. Most observers, including Amnesty International representatives who attended part of the trial, indicate that the trial proceedings were conducted generally in accord with international standards.

SIERRA LEONE

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Harsh physical treatment of prisoners by police is thought to be common. Amnesty International (AI) reported in 1987 and in 1988 that prison conditions are poor and food shortages severe. Lawyers and journalists continued in 1988 to contend that deaths due to malnutrition, pneumonia, and diarrhea are common. Subsequent to AI's 1987 report, the President appointed a special commission of inquiry to investigate prison conditions, but the commission's anticipated report failed to appear in 1988 and is now projected for early 1989. Many Sierra Leoneans are concerned that the report will focus on misconduct by prison officials rather than on the conditions themselves.

d. Arbitrary Arrest, Detention, or Exile

Judicial review of arrests is part of Sierra Leone common law. Under normal circumstances, detainees not charged with an offense within 28 days of arrest must be released. There are reports, however, that judicial review, including the 28-day limit, is not always observed. Attorneys and others have often alleged that police, to harass or to exact personal gain, sometimes detain persons without charge or judicial review. There are also reports that those too poor to hire a lawyer are often held for years without trial, particularly when the accuser has paid enforcement or judicial officials to violate the law.

The application of due process in the pretrial period has been further eroded by the President's new economic emergency measures, announced in November 1987, which gave the Government additional detention and other powers to deal with smugglers and hoarders of currency and commodities. During a state of emergency, the Public Emergency Act comes into effect, and persons detained under its provisions are not guaranteed a hearing unless charged with a capital offense. Under the Constitution, the President may take measures to detain any person who is, or is reasonably suspected of being, dangerous to the well-being of the Republic. The Economic Emergency Law extended the definition of "dangerous" to include activities relating to certain types of economic behavior.

At the end of 1988, the number of persons held in detention, including under the emergency legislation, was not known, but several hundred persons were detained in the first months after the new measures went into effect. Most of the detentions under the emergency legislation have been of short duration.

SIERRA LEONE

Exile as a political weapon is not practiced in Sierra Leone. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Sierra Leone's judicial system is composed of a Supreme Court, an intermediate Appeals Court, a High Court of Justice, and magistrates courts. Judges are appointed by the President. Native courts presided over by local chiefs administer customary law.

The judiciary has generally maintained its independence, although some critics charge that the legal system is increasingly subject to political manipulation, often before cases reach the courts, and that it has also been penetrated by corruption, particularly at the lower levels. Defendants are allowed counsel of their choice. Many defendants, however, cannot afford counsel. Public defenders are provided only in capital offense cases. Convictions may be appealed. Appeal Courts generally have a reputation of being less susceptible to corruption.

There are no known political prisoners in Sierra Leone. The first appeal phase of the treason case involving the former First Vice President, Francis M. Minah, and 17 others was conducted in the Appeals Court in 1988. Minah and the others were accused of attempting to assassinate the President and take over the Government. In September the Appeals Court dismissed charges against 4 of the accused, reduced the prison sentences in 2 other cases, and retained death sentences of 12 others, including Minah. Subsequently, the defendants appealed to the Supreme Court--a decision was not expected before the first quarter of 1989--and they still have the possibility later to appeal to the Clemency Board chaired by the President.

Most observers considered the trial to be fair. The trial was open to the public and human rights monitors, and the defendants had legal counsel. They were given adequate time to prepare their cases and call witnesses. Nevertheless, some attorneys criticized the trial judge's handling of the case, alleging in particular that the judge appeared to presume the defendants guilty before the proceedings commenced. The Appeals Court also received criticism for commending the trial judge's behavior before the appeals process was completed and for dismissing charges against four of the defendants without explanatory comment.

Although the 1987 coup case--from arrest to trial to appeal--moved steadily, most court cases are not rapidly expedited. Sierra Leone's legal system is heavily overburdened and lacks resources, especially in trained personnel. This results in an average delay of 2 years before a case actually comes to trial. Additionally, often the official records of court proceedings are handwritten notes taken by the judges. This practice limits lawyers' access to written documentation and puts in question the impartiality of the official record.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not generally interfere with the rights of privacy and family, and legal safeguards against arbitrary invasion of the home are usually observed. However, under the emergency legislation, which permits unrestricted search and

seizure of private property, there were numerous actions in 1988, especially during the initial emergency phase, involving search for diamonds, gold, and currency.

Neither censorship of mail nor electronic eavesdropping by the State on private conversations has been reported. Some organizations, however, have claimed that informers report to the Government on their activities, and there have been reports that international phone calls are monitored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although freedom of speech is legally guaranteed, this can be abridged under the Constitution if the proper functioning of the Government is deemed to be in jeopardy. In practice, the Government generally tolerates public criticism by citizens, and academic freedom is respected. Political propaganda occasionally circulates clandestinely within the country from opposition groups based in Western Europe or the United States.

A lively, privately owned press is subject to government restrictions. Of seven active newspapers, only two are considered government controlled. However, under the emergency regulations, the Government has broad powers to restrict press freedom, including through censorship. The emergency regulations provide for prison sentences of up to 7 years and fines up to $750 for publication of any false statement calculated to bring another person into disrepute or for any statement in a newspaper (regardless of its veracity) that is likely to alarm the public, disturb the peace, or stir up feelings of ill-will among ethnic or religious groups. Although thus far the Government has been restrained in using these powers, there have been reported cases of harassment, including search and seizure of press property and overnight detention of editors. For example, in 1988 the police searched the offices of one newspaper after the editors published an editorial criticizing corruption in the police department. Nevertheless, newspapers continued in 1988 routinely to report on sensitive political topics such as misuse of government funds, bribery, and bureaucratic indiscipline. The press has been particularly active in reporting on corruption since the Government began an anticorruption campaign in July 1987.

Mindful of latent government powers, journalists customarily exercised self-censorship even before the new regulations. For example, most editors avoided publishing articles personally attacking the Head of State or portraying the country in negative terms. The Newspaper Act of 1983 specifies qualification standards for editors and sets a fee for registration of newspapers. There has been no reported use of that Act to punish newspapers or their editors although the potential for such abuse is apparent.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and permits the formation of trade unions and other economic, social, or professional associations. These rights, however, are limited in practice, most significantly in the political sphere. Public demonstrations are generally not allowed. Permits must be obtained from the police for public meetings and demonstrations, and under the emergency regulations these are

not freely given. In three 1988 cases exemplifying this restriction, the Government denied permits to groups wishing to march against the American Embassy following the downing of an Iranian airliner, to market women wishing to march on the State House to protest an increase in food prices, and to students wishing to stage a protest demonstration against inflated rice prices in Sierra Leone. With respect to the latter, there were also unconfirmed reports that some student activists were detained in order to discourage the planned demonstrations. Groups of citizens can and do make orderly representations to the Government on policy issues and are not subject to reprisals.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

A tradition of religious tolerance is practiced in Sierra Leone. Muslims, the largest religious group, Christians, animists, and adherents of other faiths practice their religions freely. They publish and distribute religious documents without government interference. The hajj (Muslim pilgrimage to Mecca) is an annual occurrence partially subsidized by the Government. Employment within the civil service and appointments at high political levels do not appear to be religiously biased. There appears to be no favored religion under the country's one-party system.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The President's economic emergency program if implemented fully, could affect the freedom of movement of people, e.g., enabling the Government to resettle people to other areas if deemed necessary for administrative or economic reasons. Thus far, the only official control on travel within the country has been in the diamond-mining areas where restrictions are intended to control smuggling. There are no official regulations restricting foreign travel, but limitations on the amount of foreign exchange a person may take out of the country have this effect.

Sierra Leone, a party to the U.N. Convention and Protocol Relating to the Status of Refugees, is host to approximately 200 refugees, most of whom are students from Namibia. There was one reported incident of forced repatriation in 1988: a Lebanese citizen who was among the four persons acquitted in the 1987-88 treason trial.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government through pluralistic democratic procedures. Enshrined in the Constitution, Sierra Leone is a one-party state (the All People's Congress or APC), and no other parties are legally permitted. Since independence in 1961, the clear trend in political development has been to increase executive power and decrease constitutional checks on that power.

The Constitution provides that the leader of the party will be the sole candidate for the office of President, and he is elected for 7 years. The Cabinet, selected by the President

from elected as well as appointed members of Parliament, meets with the President regularly and is a key advisory body.

The unicameral Parliament is subservient to the party and is largely an advisory body. It consists of 116 seats: 97 popularly elected, 12 paramount chiefs elected by traditional councils, and 7 members appointed by the President. Debate in Parliament is often lively, and some backbenchers have gained prominence through their interventions criticizing government policy.

Candidates for Parliament are chosen in each constituency by the party's local executive committee, which may select up to five candidates from a list of multiple party candidates. The Central Committee of the APC has the power to disapprove the nomination of any candidate selected by the local party executive if it believes that the candidacy would be inimical to the State. Parliamentary elections are held every 5 years, most recently in May 1986. Party leaders contend that opposition and strong challenges exist within the single party and that local party members have some influence in the designation of parliamentary candidates. There is universal suffrage in Sierra Leone.

Although assertions have been made of favoritism in political appointments and the military based on tribalism, tribal participation appears to be broadly based. However, the Government continues to be male-dominated with only three female Members of Parliament.

In addition to the national political system, a traditional system of local government operates in the provinces. Paramount chiefs are elected for life by the members of local chiefdom councils. The paramount chiefs wield considerable authority in local affairs and are instrumental in resolving local civil disputes.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally has taken a positive attitude toward international and nongovernmental groups involved in monitoring human rights violations. In response to the 1987 AI report, President Momoh convened a special commission to investigate possible human rights violations in the prisons. An AI representative attended part of the 1987 treason trial.

The Government has not interfered with the activities of the Sierra Leone Bar Association's Society for the Preservation of Human Rights. This active human rights group, founded in 1985, is supported by Members of Parliament, lawyers, judges, medical doctors, academics, civil servants, trade unionists, and the media. The Society won its first major court case in 1986, obtaining the acquittal of a group arrested for demonstrating peacefully. Since then the group has obtained the release of several persons who were detained without judicial review. Local chapters of Amnesty International also exist.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no officially sanctioned discrimination on the basis of sex, religion, language, or social status. However,

citizens of non-African descent do face political restrictions. Persons born in Sierra Leone of Lebanese extraction have, in actual practice, fewer rights than Sierra Leoneans of indigenous ethnic origin. Although Lebanese residents may hold Sierra Leonean passports, the right of political participation currently is limited, including membership in the APC. Members of Sierra Leone's various ethnic and religious groups interact peacefully.

Women in Sierra Leone are guaranteed equal rights by the Constitution, but their status varies widely in different parts of the country and depends heavily upon the cultural values and traditions of their ethnic group. These values affect women's access to education, including higher education. In most rural areas, women are farmers. In some areas of Sierra Leone, women have been elected to the prestigious position of paramount chief. Women are prominent in most professions; several have served as mayor of Freetown, and there is one female Supreme Court Justice.

Section 6 Worker Rights

a. The Right of Association

Sierra Leone has a long history of trade unionism, and most sectors of the modern economy are unionized. Labor has the right to associate, to organize into unions, and to recruit members. Labor, including civil servants, is also permitted to strike. There have been a number of strikes and other forms of industrial action in recent years, most recently a teachers' work slowdown in 1987 and a strike among water workers in 1988. Unions also have the right to join confederations. The Government has favored one confederation, the Sierra Leone Labor Congress (SLCC), to which most unions now belong, and the Government exercises influence on labor through the SLCC. The head of the SLCC is a member of the APC and a Member of Parliament. The SLCC participates in Sierra Leone's delegation to the International Labor Organization (ILO) meetings and is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Labor has the right to engage in collective bargaining. This takes place through the medium of trades councils, which meet according to a regular schedule (every 3 years for a major review, every 15 months for a wage review). However, both parties have the right to call for negotiations as and when the circumstances demand. Labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Sierra Leone in practice. For many years the ILO Committee of Experts has asked the Government to repeal or amend a section of the Chiefdom Councils Act, under which compulsory farm labor may be required, so as to bring the law into conformity with ILO Convention 29 on forced labor.

d. Minimum Age for Employment of Children

There is no minimum age for the employment of children, and child labor is practiced via apprenticeships in the trades and especially in subsistence, family farming.

SIERRA LEONE

e. Acceptable Conditions of Work

The normal workweek is 5 days and 38 to 40 hours. In 1988 the Government eliminated Saturday workdays for all but essential government employees. An established code sets out acceptable standards for the workplace, covering maintenance of machinery, safety procedures, and sanitary conditions. In actual practice, manufacturers in Sierra Leone, of which there are very few, probably do not conform to the code, and there is no practical means of enforcing it. Sierra Leone has a legislated minimum wage, but inflation has long since rendered it meaningless. In the private sector voluntary wage councils establish minimum wages and work conditions that are usually followed.

SOMALIA

President Mohamed Siad Barre, who seized power in a bloodless coup in 1969, is also head of the armed forces and Secretary General of the Somali Revolutionary Socialist Party (SRSP), the sole legal political party. Somalia's formal governmental structure includes the President, the Council of Ministers, and the National People's Assembly. The Council of Ministers is appointed by President Siad. The members of the People's Assembly were last elected on a single slate in 1984, with no provision for alternative or dissenting votes. Informal and formal consultations between the leadership and clan groups have a major impact on internal politics. Conflict among Somalia's five major clans and numerous subclans has broken out repeatedly over the centuries.

The Somali armed forces number over 35,000 troops and are supported by the military police, the uniformed regular police, and the National Security Service (NSS) in internal security responsibilities, including in the civil conflict. The NSS has essentially unlimited powers of arrest, search, and confiscation and over the years has detained thousands of people for political or unspecified reasons, often for years without charge or trial. Soldiers, police, and government employees are poorly paid and disciplined and sometimes misuse their authority to extort money from citizens. The antiregime Somali National Movement (SNM), which finds support among the northern Isaak clan, launched armed attacks in northern Somalia in May, killing non-Isaaks and suspected opponents and destroying their property. In responding, the Somali National Army inflicted additional casualties and heavy damage on Hargeisa, the principal city of the north, and on Burao.

Somalia has few proven natural resources, and most of its estimated 5.9 million people manage a bare subsistence as herdsmen or farmers. The capital city, Mogadishu, now has a population exceeding a million, many of whom are unemployed migrants from the countryside. In September 1987, the Government suspended its economic reform program, thereby seriously weakening the export sector, drying up essential imports, and forcing up prices in urban markets (inflation reached 13 percent per month in August). In mid-1988, the Government renewed its commitment to the International Monetary Fund-proposed structural reforms, including steep currency devaluation.

The fighting in the north produced civilian casualties as well as serious human rights abuses. The Somali armed forces used artillery extensively in urban areas of Hargeisa and Burao, where insurgents had barricaded themselves, and bombed and strafed zones populated by civilians. Both sides summarily executed suspected opponents. About 300,000 to 500,000 Somalis fled the fighting into Ethiopia, Djibouti, Mogadishu, or the Somali countryside. At the end of 1988, the towns of Hargeisa and Burao had less than a tenth of their former inhabitants. The remoteness of the displaced persons and donors' reluctance to operate in an insecure environment combined to make relief work difficult or impossible. Confiscation of relief agencies' vehicles--by the Somali National Army and SNM forces--inhibited relief operations. For several months the Government limited the access of the International Committee of the Red Cross (ICRC), but by the end of 1988 it had agreed to substantial ICRC presence in the north. Civil and political rights, including freedom of expression and association, remained tightly controlled, and

the Government continued to use detention as a primary tool for limiting them. The Government detained large numbers of Isaaks from the military and civil service but had begun to release many of them by the end of the year. The fate of many others detained before the outbreak of fighting was unknown, and the Government continued to refuse to release information about other political detainees and prisoners, including some who have been in custody for years. The Government finally held the trial in February of 22 persons, including 6 former parliamentarians, who had been detained under brutal conditions without charge since 1982 and who had become the focal point of international concerns over human rights abuses in Somalia. The National Security Court sentenced 8 of the defendants to death, but the President commuted the death sentences, and at the end of the year 11 of the 22 were out of prison. In 1988 the Government moved to improve relations with Ethiopia, and the two Governments exchanged and repatriated under ICRC auspices several thousand Ethiopian prisoners of war held by Somalia and several hundred Somali prisoners of war held by Ethiopia since the 1977-78 Ogaden war. In an effort to improve women's rights, health, and social conditions, the Government began enforcing a policy prohibiting female circumcision.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

When the SNM attacked cities in northern Somalia in May, it executed government officials, suspected opponents, wavering supporters, and non-Isaaks. One mass grave in Burao contains the bodies of 71 such victims. When the Government counterattacked, soldiers and security agents summarily executed dozens and perhaps hundreds of persons, either because they were suspected rebels or because they were members of the Isaak clan who encountered government patrols. Prior to the outbreak of fighting, there had been occasional random killings by security forces, particularly by curfew patrols. The allegations of executions by both government and antigovernment forces are credible, but the number of such political killings is difficult to estimate and fluctuates in direct proportion to the intensity of fighting.

b. Disappearance

Unexplained disappearances have increased since late May when the fighting in the north broke out. As with political killings, there were no reliable estimates, but government security forces as well as insurgents were undoubtedly responsible for many disappearances. Hundreds of civilians had to leave Hargeisa and Burao along with the insurgent forces--at least some of them involuntarily--when the insurgents fled those two towns. At the end of 1988, there were credible reports that the rebels were still forcibly preventing many of them from returning home. Also, disappearances attributable to the Government are hard to distinguish from arbitrary arrests and detentions (see Section 1.d. below) since detentions are not acknowledged by the authorities. Because many people detained by the NSS over the past 18 years have never again been heard from, it is assumed that at least some of them were killed.

In some cases, the whereabouts of political prisoners are not known. For example, Mohammed Barud Ali, a chemist who was director of the Pepsi Cola plant in Hargeisa at the time of his arrest, was convicted of antirevolutionary activities and sentenced by the National Security Court on March 6, 1982 to life imprisonment. He is believed to be held in Labaatan-Jirow prison but has not been seen by his family or others for more than 5 years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Recurring credible reports, sometimes supported by medical examinations, indicate that the NSS and the military police often torture detainees. Methods of torture include submersion in water, electric shock, placing prisoners in contorted positions for extended periods, severe beating, wounding with knives, and rape. Somali officials consistently deny that torture is practiced; and the National Security Court has refused to admit into evidence allegations of torture.

Prison conditions are harsh, especially in NSS maximum security prisons such as Labaatan-Jirow. Political detainees in these prisons are denied contact with their families and, in some cases, kept in solitary confinement in cells as small as 2 square meters. Medium security prisons for common criminals are also unsanitary, but family visits are allowed. Lack of adequate medical treatment is a major problem. Wounds inflicted during torture sometimes fester because of unsanitary prison conditions and denial of medical care, and result in permanent damage to the health of detainees. Kidney ailments are common among long-term prisoners. In 1988 human rights groups expressed special concern about the health of several prisoners, including Abdi Ismail Yunis and Suleiman Nuh Ali (see Section 1.e. below) and Safia Hashi Madar. Hashi, arrested in 1985, and sentenced to life imprisonment following a trial before the National Security Court in which she was denied legal representation, is reported to be suffering from a kidney infection, severe depression, chronic tooth pain, and malnutrition. She was 9 months pregnant at the time of her arrest and delivered a son the second day of her detention. She has reportedly been beaten and raped while in detention. The Ministry of Health recommended immediate treatment for her kidney ailment in September, but since then the Government has released no news about her condition.

d. Arbitrary Arrest, Detention, or Exile

Although the Somali Constitution accords citizens the right to be formally charged and to a speedy trial, the criminal code was modified in 1970 to exempt crimes involving national security from time limits and rules of procedure. Persons suspected of a seditious intent, or perceived as a political threat, are frequently held indefinitely without being charged or brought to trial. Detentions by the security services may not be reviewed or overturned by the courts.

The precise number of political detainees and prisoners is difficult to estimate because the Government does not disclose such information. However, they probably numbered in the thousands in midyear at the height of the conflict in the north. The majority were Isaaks. After the heavy fighting subsided in August, the Government began releasing detainees taken into custody during the fighting. The first releases

were without publicity and included the mayor and vice mayor of Berbera, the chief pilot for Somali Airlines, and several Isaak businessmen. The official press then began publishing lists of persons whom the President had amnestied: They totaled 11 on November 14 and 92 on November 19. Of these over 80 were military personnel, including a number with the rank of colonel. In all, 116 released detainees are known by name. The presidential announcement indicated that the amnestied persons would resume the duties which they had held at the time of their arrest.

Also among the detainees were five military cadets (four Isaaks and one Hawiye) who had been training in Egypt. They were forcibly returned to Somalia after applying for refugee status with the United Nations High Commissioner for Refugees (UNHCR). Reportedly the Government considers the cadets military deserters, and it has released no information about their fate although there is a report that one of the cadets died while in detention.

The release of detainees at the end of 1988 included few if any of the hundreds of political detainees from previous years.

The Government does not use exile as a form of punishment. In July and September, President Siad Barre offered amnesty to dissidents abroad who wished to return to Somalia. The Government uses forcible conscription to provide the military with conscripts. After the outbreak of fighting in the north, the Government's impressment activities increased greatly. In some instances, press gangs and groups posing as press gangs reportedly abducted people in order to extort money from their families.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Somali judicial system includes civil and criminal courts, headed by the Supreme Court, which are open to the public. There is a separate National Security Court, affiliated with the National Security Service, where proceedings are usually held in camera. Although nominally independent, the judiciary is in fact not distinguishable from the executive, which reviews and controls judicial decisions. All judges in the Supreme Court and lower courts are appointed by the President with the advice of the Higher Judicial Council, of which the President is the chairman. Judges of the National Security Court generally are military officers posted to the Court.

Law No. 54 of 1970 provides the death penalty for political offenses "against national security," defined as behavior "which may be considered prejudicial to the maintenance of peace, order and good government." The law does not distinguish between offenses involving violence and those involving nonviolent criticism or opposition to the Government.

In the civil and criminal courts, legal assistance is provided, and there are established rules of evidence. There are no religious courts in Somalia. In civil proceedings relating to family matters, such as marriage and inheritance, the judge may cite prevailing Islamic Shari'a law in rendering decisions.

The right to appeal exists in criminal and civil cases, but not in cases heard by the National Security Court. For

persons convicted by the National Security Court, the only avenue for clemency is through the Politburo of the SRSP.

The trials of 22 political detainees, including 6 former parliamentarians detained since 1982, finally took place in February in the National Security Court. The Court sentenced former Vice President Brigadier General Ismail Ali Abokor, former Foreign Minister Omar Arteh Ghalib, and six others to death for plotting to overthrow the Government. Five defendants received sentences ranging from 5 years and 4 months to life imprisonment. Nine defendants were acquitted, but four of them nevertheless were later placed under house arrest. Subsequently, the President commuted the eight death sentences to 24 years. Ismail and Omar Arteh were permitted to serve their terms under house arrest, the other six were imprisoned. In October the Government announced the release from house arrest of Ismail and Omar Arteh and the four who had been acquitted. They were still, however, restricted to Mogadishu.

Although a few of the defendants' relatives were permitted to attend the trial, human rights groups, foreign journalists, and diplomats were excluded. Observers felt that the trial was procedurally correct, and the Court was responsive when handling defense objections and motions. There appeared to be no link, however, between the proceedings and the verdicts. The Court conducted no investigation into the allegations of several of the defendants that they had been tortured.

In September a U.S. Consul was permitted to attend a trial of the National Security Court for the first time. The defendant, an American citizen, was sentenced to 5 years in prison. The proceedings were systematic; attorneys for the defense appeared competent, and they argued their case with vigor; witnesses did not appear under duress, but some witnesses alleged to be important to the defense were excluded. The activity for which the defendant was tried, possession of poetry considered critical of the Government, appeared to constitute the receipt of information and ideas, the freedom to which is recognized under the Universal Declaration of Human Rights.

Two examples of political prisoners are:

(1) Suleiman Nuh Ali, an architect who studied at Allegheny College in Pennsylvania and graduated in 1971 from Howard University in Washington, D.C. He was arrested on September 12, 1982, by the NSS and charged under Law No. 54 with "creating a subversive organization" and "establishing an armed group" which carried out an assault on a prison and attempted to assassinate a major general of the Somali National Army. According to a report prepared by the U.S. National Academy of Sciences, Suleiman Nuh Ali "is not known to have been involved in antigovernment political activities nor to have ever practiced or advocated violence." Suleiman was reportedly mistreated during the early days of his detention; he has eye problems because he was kept continuously in artificial light; his cell measured only 1.2 by 1.8 meters. Suleiman was 1 of the 22 defendants brought to trial before the National Security Court in February. He was found guilty under Law No. 54 and sentenced to death. Subsequently, the sentence was commuted to 24 years' imprisonment by President Siad Barre.

(2) Abdi Ismail Yunis, a mathematician who earned an M.A. degree in 1972 from the State University of New York (SUNY) at New Paltz. He was arrested in 1982 while visiting his parents in Hargeisa and later charged with the same crimes as Suleiman Nuh Ali under Law No. 54. Abdi Ismail Yunis was tortured during the early period of his confinement, and testicular wounds led to infections. He also suffered from skin irritations caused by insects, probable rheumatoid arthritis, and severe back pain. For much of his long detention period, he was held in solitary confinement at the NSS prison in Mogadishu. In February he was also one of the defendants sentenced to death by the National Security Court; he later had his sentence commuted to 24 years' imprisonment by the President. Abdi Ismail Yunis is reportedly in Labaatan-Jirow maximum security prison, where he is not permitted visitors. Reports indicated that his health seriously deteriorated during 1988 and that he might be suffering from hepatitis or leptospirosis. Despite international concern that his medical condition, if untreated, could be fatal, the Government released no news of his condition.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The NSS searches homes without warrants and monitors the activities of people through a comprehensive network of informants. It also monitors communications and opens mail, although there is no evidence that such practices are extensive. The SNM and some human rights groups allege that the Somali army has responded to SNM attacks in the past 2 years by poisoning water supplies and destroying the homes and livestock of civilians in the area. These allegations could not be confirmed.

"Mobilization campaigns" are organized by the Somali Revolutionary Socialist Party to promote public participation in, and enthusiasm for, various civic and national programs, as well as general support for government policies. Though these campaigns are becoming less common, they are especially evident during the annual preparations for National Day.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government does not allow public expression of dissenting views. Most Somalis get their daily news by word of mouth or--consistent with Somalia's strong oral tradition--by transistor radio. Except for radio, the modern media do not play a significant role in Somali society. The Government owns and operates the radio and television as well as the country's six newspapers. The Central Censorship Board retains control over all media (foreign and local), including publications circulated within the country--films, plays, concerts, lectures, and other means of communication, such as videotapes, whether imported or produced in Somalia, and strictly forbids any expression of views considered inconsistent with those of the Government. Members of the local press exercise self-censorship. One editor was reportedly detained in 1988 after he reprinted an article that was no longer consistent with government policies. The Government frequently denies visas to foreign journalists and strictly controls the movements of journalists who are permitted to enter Somalia. Despite numerous requests, the

Government allowed only one Western journalist to visit northern Somalia in the wake of the fighting. Many foreign publications have been banned, including some Italian publications, as well as the quarterly journal Horn of Africa published in New Jersey by expatriate Somali and Ethiopian intellectuals.

b. Freedom of Peaceful Assembly and Association

Although politics is a common topic at informal gatherings of Somalis, more formal meetings are permitted only with government sponsorship to advance government purposes. Political protest meetings are not permitted. In March, for example, 5 high school students were arrested in Burao for participating in demonstrations protesting the convictions of 13 northern Somalis in the February trial of the parliamentarians. Two unauthorized demonstrations reportedly took place in Mogadishu in November, one involving former prisoners of war repatriated by Ethiopia in August, and the other involving soldiers wounded in the fighting in the north, both groups apparently seeking more government assistance. Both demonstrations were joined by onlookers. Police broke up the demonstrations without using excessive force, but some reports indicated that a number of people were detained on suspicion of instigating the first demonstration.

Professional and civic organizations may be formed only with government sponsorship and participation. In the past, the Government has been particularly suspicious of nongovernmental civic organizations in northern Somalia. Several people who were reportedly active in 1981 in a community self-help project to improve Hargeisa Hospital were arrested then and are still serving sentences for participation in a subversive organization. The SRSP is the only legal political party. Under Law No. 54, membership in an opposition group is punishable by death.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Islam is the state religion of Somalia, and nearly 100 percent of the population is Muslim, predominantly of the Sunni sect. Members of other religions may practice their faiths but may not proselytize.

Since 1985 the Government has licensed all mosques and Koranic schools, and since 1986 it has appointed all imams. The NSS monitors sermons and occasionally detains religious leaders whom it considers too outspoken. The Government is suspicious of Shi'ites, whether Somali or foreign, and is anxious to prevent the development of radical Islamic movements. Law No. 54 provides the death penalty for "exploiting religion for creating national disunity or subverting or weakening state authority." In 1987 the death sentences of nine Islamic teachers convicted by the National Security Court were commuted to life imprisonment. Those nine and several other religious persons remained in prison at the end of 1988.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Police and military checkpoints control travel between towns, in border areas, and in areas of interclan violence. The

northern region has been under an 8 p.m. to 5 a.m. curfew since 1986. In May, when fighting broke out in the north, mass migrations overwhelmed these travel controls. Significant shifts of population continued throughout 1988, as cities such as Berbera lost inhabitants while Mogadishu absorbed war victims and economic migrants in increasing numbers. About 300,000 Somalis fleeing the fighting went to Ethiopia, where they are now in UNHCR-sponsored refugee camps. There were credible reports that Somali military planes strafed fleeing civilians. The Government in July referred to the Somali refugees in Ethiopia as "only the remnants of the armed bandits," but later in the year announced an "amnesty" and appealed to Somalis who fled across the borders into Ethiopia and Djibouti to return to their homes. There have been reports that the SNM is trying to prevent their return.

Somali citizens intending to travel abroad need to obtain a letter from the immigration department. Such letters frequently seem obtainable through connections or bribes. At the height of the fighting the Government prohibited all Somali citizens between the ages of 15 and 40 from leaving the country. The policy was not enforced uniformly and for practical purposes is no longer in force. Somalis who have emigrated are generally permitted to return; twice in 1988 President Siad promised amnesty to antigovernment Somalis returning from foreign countries. Nevertheless, based on the experience of previous years, some Somalis fear possible imprisonment for opposition activity if they return.

Somalia hosts an unknown number of refugees from Ethiopia. The UNHCR provides foodstuffs for 870,000, but most observers agree that only about 350,000 persons are full-time residents of the refugee camps. The program of supporting refugees from Ethiopia continues despite the war in the north and the exodus of Somalis into Ethiopia. The Government has supplied arms to an undetermined number of refugees to fight the SNM insurgents in the north. Some refugees have been conscripted; others have apparently joined the Government's side voluntarily, at least in part because of longstanding enmity between the Ogadeni and Isaak clans.

A major Somali achievement in 1988 was the reestablishment of diplomatic relations with Ethiopia, the signing of what amounts to a nonaggression pact, and an exchange of prisoners of war. Between August 23 and September 1, the ICRC repatriated by air 3,543 Ethiopian, 246 Somali, and 1 Cuban prisoner of war held since the 1977-78 Ogaden war. Among the repatriated Ethiopians were several hundred Ethiopian civilians who had been detained at Hawai detention camp; an additional 22 Ethiopian civilians held in other prisons were repatriated through the ICRC in November.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The SRSP is the only legal party; opposition groups and criticism of the Government are illegal. Thus, the people have neither the legal right nor the ability peacefully to change their government or the form of their government. Somalia has only one indigenous ethnic group, the Somali, which is divided into clans and subclans. For many Somalis the traditional clan system is the accepted vehicle of political expression. President Siad Barre and other officials consult frequently with clan leaders. Since 1982, however, President Siad has been widely perceived as relying

on and furthering the interests of his family and his Marehan subclan rather than balancing the interests of all clans. Faced with difficulties in placating other clans, the President has also increasingly relied on his role as Commander of the Armed Forces and Secretary General of the SRSP to maintain himself in power.

Voting for the 171-member People's Assembly entails only a vote for or against the SRSP's national slate, although candidates need not necessarily be party members to be included on the slate. President Siad Barre was the sole candidate for President in 1986, and, in Somalia's first direct presidential election, was reelected to a 7-year term with 99.9 percent of the vote.

Somalia's traditional and modern politics are dominated by males. There are a few female members of the People's Assembly and party Central Committee, two female vice ministers, and a female ambassador. The Somali Women's Democratic Organization, though subordinate to the party, has advocated greater political participation and mobilization for women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In contrast to the past, the Government has shown increased, if still limited cooperation with international and other human rights organizations. It cooperated with the ICRC in the prisoner exchange and allowed the ICRC to visit the north as part of government-organized trips for donors in connection with emergency assistance. The ICRC, however, has not been permitted to meet with Somali political prisoners.

The Government did permit a visit of inquiry in 1987 by the Committee on Human Rights of the U.S. National Academy of Sciences. However, the Government granted only one of the delegation's requests for appointments with Somali officials and did not allow the delegation to visit 11 imprisoned scientists as requested. The Government did not respond to the NAS report, "Scientists and Human Rights in Somalia," published in January 1988, although the Government persistently denied reports of torture of political prisoners.

In September, after the publication by Amnesty International (AI) of a critical report entitled "Somalia: A Long-Term Human Rights Crisis," President Siad said he would welcome an AI delegation visit to Somalia. AI accepted the offer, and arrangements for the visit were being made at the end of the year.

There are no Somali organizations which address human rights issues. In trials before the National Security Court, however, individual lawyers have argued that their clients' human rights were violated.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

For several years, and especially since the outbreak of fighting in May, there have been allegations of government discrimination against Isaak businessmen. Isaaks' bank accounts and other assets have been seized on suspicion that they were collaborating with the SNM. Members of other clans

and some persons capitalize on their political connections to gain economic advantage or privilege. There is no discrimination in access to education and health services on clan or ethnic grounds, but these services are available only in larger urban areas of the country. The fighting in the north has closed schools there and severely limited access to medical care.

Although they have considerable inheritance and ownership rights, Somali women suffer from traditional discrimination in education, work, and family matters. Female enrollments in school remain far below those for males at all levels of education for traditional and cultural reasons. The payment of dowry and bride wealth are common marriage customs. Divorce laws and practices strongly favor the male partner.

The Somali Women's Democratic Organization has campaigned vigorously to mobilize public opinion against the widespread practice of female circumcision, and has successfully generated the support of the Government, the party, and Somali religious leaders for its efforts. In 1988 the Government officially prohibited female circumcision.

Section 6 Worker Rights

a. The Right of Association

Workers are not free to form independent unions. There is a single labor confederation, the General Federation of Somali Trade Unions (GFSTU), which is government-controlled, with government-appointed officials. The GFSTU's main function is to monitor the work force and provide a conduit for worker grievances. The GFSTU is a member of the Organization of African Trade Union Unity and the International Confederation of Arab Trade Unions. It participates in the International Labor Organization.

Strikes are outlawed, and organizing a strike is legally punishable by death. Nevertheless, there was a short transportation strike in 1987; and the Government took no action against the striking workers.

b. The Right to Organize and Bargain Collectively

The right to organize does not appear to be infringed by employers. Because the GFSTU speaks for the Government, its dealings with employers on wages, hours, and working conditions tend to resemble binding arbitration rather than collective bargaining. Some negotiation between employers and employees goes on outside the union framework. There seem to be no acts of antiunion discrimination. Labor laws and regulations are applied uniformly throughout the country. There are no export processing zones.

c. Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law. Nevertheless, the Government and party occasionally organize campaigns of "voluntary labor" to clean streets or boost production of state-owned factories.

d. Minimum Age for Employment of Children

The minimum age for the employment of children is 15, and persons under 18 are not permitted to work at night or in

certain hazardous occupations. The legislation, however, is not effectively implemented, and there is considerable child labor on the margins of the economy. Children sell cigarettes on the street, carry bags in the market, and watch and clean cars to support themselves and to supplement family incomes.

e. Acceptable Conditions of Work

Somalia has comprehensive labor legislation setting minimum safety and health standards for the workplace. These are applicable to the small modern sector of an economy that is predominantly pastoral and agricultural and are not normally enforced. In theory the workday is 8 hours per day, 6 days per week, with limits on overtime hours. There is no legal minimum wage. Workers are entitled to paid holidays, annual leave, holiday bonuses, and a variety of fringe benefits. In reality, however, the salary scale is extremely low, especially in the public sector. The average salary of a civil servant is about $10 per month and is not adequate to maintain a decent standard of living. Productivity in the public sector is correspondingly low, and many civil servants make only minimal appearances in their offices. Workers resort to second jobs, corruption, assistance from other family members, and remittances from abroad to support themselves and their families. A program of civil service reform has made little headway because inflation has nullified salary increases.

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South Africa's laws codify the doctrine of apartheid, which prescribes the basic rights and obligations of people according to their racial or ethnic origin. The country's black majority (73.4 percent of its population) suffers from pervasive, legally sanctioned discrimination based on race in political, economic, and social aspects of life. The "colored" (mixed-race) and Asian minorities (9.1 percent and 2.8 percent of the population respectively) also suffer from extensive racial discrimination, although to a somewhat lesser degree than South Africa's black population. While the Government claims that South Africa is a parliamentary democracy, blacks continue to be denied the right to vote in national elections and the right to be represented in Parliament. Until 1984 South Africa's national political institutions were reserved for whites (14.7 percent of the population). A new Constitution, implemented in 1984, created a tricameral Parliament with separate chambers for whites, "coloreds," and Asians. The terms of the Constitution ensure continued parliamentary control by whites over key affairs. In addition, the executive branch (headed by a state president with extraordinarily strong powers) continues to be controlled by whites.

Since 1948 the Afrikaner-dominated National Party, presently led by State President Pieter W. Botha, has been responsible for the development of the complex legislation and institutions comprising the apartheid system. Central to this policy of separate, racially based political institutions was the creation, beginning in the 1950's, of 10 "homelands" to which blacks were assigned on the basis of ethnic background. These homelands comprise only 13 percent of South Africa's area and are generally fragmented bits of land in impoverished rural areas. Since 1976 the Government has granted "independence" to four homelands, thereby stripping an estimated 8 million South African blacks of their South African citizenship. South Africa is the only country that has recognized the "independence" of these homelands. Outside the homelands, a growing black urban population, increasingly detribalized, of over 10 million persons are forced, under apartheid legislation, to live in massive, segregated townships on the periphery of the big cities.

Since the late 1970's, the South African Government (SAG) has introduced piecemeal reforms that ameliorate some aspects of apartheid but do not threaten continued white control of the nation's key political structures. At the same time, black opposition to apartheid has increased dramatically, as many reforms are widely regarded as attempts by the Government to freeze blacks out of national political participation. In 1988 the Government also came under increasing pressure from parties advocating stricter enforcement of apartheid laws and suppression of antiapartheid activity.

White control of the Government is backed by a powerful defense and police establishment, especially the South African Defense Force (SADF), with over 95,000 active duty personnel and nearly 400,000 reservists, and the South African Police (SAP), with 56,000 members. In recent years the SADF has been used to assist SAP in internal security matters, especially in patroling the black townships. The National Security Management System (NSMS), established to coordinate intelligence services and government departments, has in the last few years assumed greater influence over several aspects

of government policy designed to minimize and suppress black discontent, including setting "levels" of state of emergency detentions as well as providing development assistance and social services. The NSMS, staffed primarily by police and military officials, is in many ways a "parallel government," accountable only to the cabinet-level State Security Council, which is chaired by the State President and includes South Africa's leading military, intelligence, and security officials. During 1988 the Government continued to increase special black security forces known as "instant police" (because of the brevity of their training) and in some cases gave tacit support to conservative black vigilante groups. South African security forces have, in effect, a free hand in operating in tandem with police forces in the "independent" homelands.

Apartheid laws discriminate against blacks in housing, employment, and education, and serve to perpetuate a gross income disparity between whites and blacks. Starting in 1984, a serious economic downturn aggravated the suffering of black South Africans and helped to fuel political unrest. Since 1987 the overall economic situation has improved, and indicators suggest an annual real growth rate of about 2 to 2.5 percent over the next 2 years. Local economists, however, have estimated that an annual real growth rate above 5 percent is necessary for the economy to absorb the roughly 300,000 black entrants into the labor market each year. An even higher rate of growth would be necessary to reduce present black unemployment, which is estimated at 25 to 30 percent and as high as 50 percent in the homelands.

The human rights situation in South Africa continued to deteriorate in 1988 as the Government took additional harsh measures to repress opposition to apartheid, including nonviolent political activity. In February the Government effectively banned 17 antiapartheid organizations, including the United Democratic Front (UDF), a loosely organized national movement of more than 600 antiapartheid groups, and prohibited the largest union, the black-controlled Congress of South African Trade Unions (COSATU), from engaging in political activities; in 1988 a total of 32 organizations were banned. The state of emergency (SOE) was extended in June for the third consecutive year, with even tougher restrictions on antiapartheid groups and the media. These tight SOE restrictions further reduced available information about the current situation, including the number of detentions and the extent of political violence. Best estimates at the end of 1988 indicated the Government had used the emergency powers to detain hundreds of key nonwhite opposition leaders and organizers. At the end of the year, an estimated 1,500 people were being held without charge, down slightly from estimates at the end of 1987; hundreds of these have been held continuously since the imposition of the June 1986 SOE. While the number of detained children decreased in 1988, reports regarding torture of detainees, including some under age 18, continued. On the postive side, towards the end of the year the Government released several prominent political prisoners and commuted the death sentences of the Sharpeville Six, who had been convicted of murder for their presence in a crowd that had killed a township official. At the same time, commutations were granted to two white policemen convicted of murdering a black man while on duty.

There were waves of political violence emanating from various quarters, and overall political violence during 1988 appeared

to be at or above 1987 levels, though still below 1984-86. The shadowy war between the African National Congress (ANC) and South African Security Forces continued, with a disturbing increase in attacks on civilian targets. South African security forces and/or rightwing sympathizers were suspected of involvement in the unsolved killing of youth activist Sicelo Dhlomo, the assassination of ANC Paris representative Dulcie September, attacks on ANC targets in neighboring countries, including an attempt on the life of ANC theorist Albie Sachs in Maputo, and a series of mysterious political killings and bombings directed against antiapartheid groups. There were, however, fewer instances in 1988 than in previous years of overt South African military intervention in neighboring countries. The ANC, with a major change in its military wing at the beginning of 1988, was suspected of involvement in numerous bomb explosions aimed at civilian targets, in part to disrupt the municipal elections held in October. In addition, violence between rival black organizations, e.g., clashes between UDF supporters and Chief Buthelezi's Zulu-led Inkatha movement, continued at a high level in Natal. While townships in the rest of the country remained quiet relative to the 1984-86 period, occasional attacks on black "collaborators" continued. Candidates in the October municipal elections were particular targets.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political violence continued to plague South Africa in 1988. Accurate statistics on the number of deaths related to political violence remained difficult to obtain due to restrictions on reporting incidents of unrest. The Government claimed that the level of unrest continued to decline under the SOE. Incidents of violence have probably remained below the peak 1984-86 levels. However, even the Government's daily reports suggested violence above 1987 levels during 1988. Monitoring groups estimated that at least 846 people died between June 1987 and June 1988, compared to some 695 during the same period a year earlier.

Political killings stemmed from different sources. During 1988 court cases and out-of-court settlements continued to reveal police excesses and suggested the existence of police "death squads" operating completely outside the law both inside and outside the country. In March uncontradicted police testimony at the murder trial of a South African policeman gave direct evidence of SAG responsibility for the killings of three ANC members in Swaziland in July 1987. In September a number of senior police officials from the Ciskei homeland were arrested for the July 1987 murder of Institute for a Democratic Alternative for South Africa (IDASA) organizer Eric Mntonga. On January 12, Sithembele Zokwe was fatally shot 2 hours after his detention by Transkei security police. Two members of the Transkei police have been charged with murder in the incident. South African involvement was widely suspected in the murder of ANC Paris representative Dulcie September in March and the attempted assassination by car bomb of ANC member Albie Sachs in Mozambique in April, but these cases remained unsolved. Morever, South African security forces continued to carry out raids into other neighboring countries. In March and June, SADF attacks in

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Botswana killed four and critically wounded an unarmed Botswana policeman.

It was widely suspected in 1988 that white militant extremists were involved in some bomb attacks, including on religious property. In any event, mysterious bomb blasts directed against antiapartheid groups and trade unions and killings of antiapartheid activists continued throughout 1988. In August a powerful and sophisticated bomb wrecked Khotso House in Johannesburg, the headquarters of the South African Council of Churches and several other antiapartheid groups, injuring 21 people. Offices of the Community Resources and Information Center (CRIC) in Johannesburg, an antiapartheid research group, have been the target of numerous arson attacks, the latest in April destroying most of the organization's documents. In October the headquarters of the Southern African Bishops' Conference, located in downtown Pretoria, was destroyed in an early morning firebomb attack. Seven overnight visitors, including two bishops and a nun, narrowly escaped serious injury or death. South African security forces have never caught or brought to trial the perpetrators of any of these bombings.

In January Sicelo Dhlomo, a youth activist who had appeared in an American television production about apartheid, was found murdered a few days after he had been questioned by police. A close friend of Dhlomo's was murdered in early June after being threatened by police. Nearly all mysterious killings occurring in previous years remained unsolved.

The conflict between the ANC and South African security forces continued with an increase in ANC attacks on "soft targets" (where civilians are likely to be injured or killed) inside South Africa, although ANC spokesmen have denied any change of strategy. There is evidence of divisions within the ANC leadership on the question of attacking civilians. A major reshuffle in the leadership of the military wing of the ANC (Umkhonto we Sizwe) took place in early 1988. The new leaders are reported to be popular with young blacks inside South Africa. It also appears that the external (Lusaka-based) organization does not have complete control over its operatives once they have entered South Africa or over its sympathizers in the country. Other organizations, such as the Pan Africanist Congress (PAC), may also be involved in attacks in South Africa.

In the first 8 months of the year, the civilian attacks included at least 40 explosions, killing at least 17 people and injuring approximately 200. On March 17, a bomb exploded outside the Krugersdorp magistrate's court, killing 3 and injuring 20. On April 15, there were two blasts near a cinema complex in Pretoria, killing one. On May 26, two bombs exploded in central Pretoria, injuring four. On June 3, 4 persons were killed and 19 injured by a bomb blast at a shopping center in Roodepoort, near Johannesburg. On June 22, 10 people were injured, including 2 pregnant women who suffered miscarriages, in a blast at a video game arcade in Johannesburg. A June 30 explosion in a Pretoria fast food restaurant injured 18. A car bomb exploded near a rugby stadium in July, killing 2 and injuring 39. Also in July, 1 woman was killed and 56 people injured when a bomb wrecked a crowded Wimpy's restaurant in Benoni, near Johannesburg.

There were numerous reports of clashes between government forces and ANC guerrillas attempting to infiltrate the

country. On March 29, the SADF reportedly killed four suspected ANC commandos in a shootout in the Venda "independent" homeland. In June the SAG announced that security forces had killed nine ANC commandos attempting to infiltrate near the Swazi border. In May police arrested four white alleged ANC members near Pretoria and reportedly confiscated a weapons cache which included a SAM missile. The SAG claimed in June that 19 ANC members had been killed and at least 106 arrested since the beginning of the year. The Government also claimed that two PAC members were among four people killed in a shootout with South African security forces at a roadblock in July.

In Natal political factional fighting between UDF and COSATU supporters and members of Chief (KwaZulu) Gatsha Buthelezi's Inkatha movement continued. Peace negotiations between the two groups were concluded in early September when COSATU and Inkatha leaders signed an agreement condemning past violence, pledging to cease acts of intimidation, and establishing a complaints adjudication system, which is now in place. An estimated 789 people died in the Pietermaritzburg area between June 1987 and September 1988. The violence peaked during the October 1987-February 1988 period, then abated somewhat before accelerating again in July and August, when 101 people died. While the Inkatha-COSATU agreement had a calming effect in the Peitermaritzburg townships, violence in other areas in Natal continued, with 80 to 100 deaths reported in October and November. In December vigilantes killed 11 people in an attack on a prayer meeting near Greytown.

Outside Natal, the townships remained quiet relative to the 1984-86 period. However, renewed violence between black factions in the KTC squatter camp near Cape Town (named after the Kakaza Trading Center grocery store on the edge of the camp) resulted in 8 deaths and the destruction of over 600 dwellings early in the year. In February an aborted coup in the "independent" homeland of Bophuthatswana left five dead and led to the intervention of the SADF.

There were occasional attacks on township government officials, black policemen, and other suspected "collaborators" in 1988. In March three black municipal policeman were killed in the Pretoria township of Atteridgeville. In May a Soweto meeting of the conservative black Sofasonke Party was attacked with grenades, resulting in 5 deaths and 37 injuries. Two Sofasonke candidates for the Soweto Council were killed during the year.

b. Disappearance

In recent years many people have disappeared into police custody for long periods. Some are suspected by friends and associates to have been killed by security forces. South African law and SOE regulations do not require notification of a person's family, lawyer, or any other person in the event of his or her detention, and they prohibit the unauthorized publication of the name of any detainee if "the prevention of or combating of terroristic activities" is the stated reason for the detention.

Maisha "Stanza" Bopape, a CRIC staff member and township activist, disappeared in June. Police claim that Bopape escaped from custody, but his associates believe that he was killed. The case of Port Elizabeth Black Civic Organization leaders Sipho Hashe, Champion Galela, and Qaqawuli Godolozi,

who disappeared in May 1985, remained unsolved. According to local human rights groups, during 1988 numerous persons said by police to have been released from detention had disappeared with no trace.

It is difficult to know in many instances if persons who have disappeared have been detained. Since August 1986, the Minister of Law and Order periodically has tabled lists of SOE detainees in Parliament, but these lists, which include only detainees held for at least 30 days, appear to be incomplete. As of the end of 1988, these lists constituted the Government's only official public accounting of emergency detainees. Human rights monitoring groups estimated that substantial numbers of detainees have not been named in the Government's lists and maintained that in most cases family members were not informed of emergency detentions.

Following the June 1986 state of emergency declaration, and in the wake of subsequent crackdowns on various opposition organizations, many black activists left the country surreptitiously or went into hiding to avoid detention. These circumstances further complicated the task of accurately accounting for the many persons who reportedly have disappeared. Government press curbs imposed in December 1986 prohibited news reporting on detention cases and on unresolved litigation concerning detentions without prior government clearance, which made the task of accounting for missing persons still more problematic.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Internal Security Act (ISA) allows for lengthy periods of incommunicado detention during which authorities are not obliged to present formal charges, a situation which provides considerable potential for police abuse of detainees.

During 1988 court testimony and numerous sworn affidavits and court applications provided strong evidence of claims by lawyers and human rights activists that severe beatings and torture are a common experience for security detainees. Laws exempting law enforcement officials from both criminal and civil liability for "good faith" acts undertaken in enforcing the state of emergency have been cited by many observers as giving police a license to engage in abusive conduct. Affidavits submitted to a court by a number of KwaNdebele residents detail extensive detentions and torture in the homeland. In January the Pretoria Supreme Court issued an order restraining the KwaNdebele police from assaulting two emergency detainees and keeping them in unhygienic conditions. In April an application submitted to the Pretoria Supreme Court alleged that Peter Mokaba, the detained president of the South African Youth Congress, had been kept chained to a chair for days by his interrogators. Jackie Seroke, the editor of Skotaville Publishers, testified in court that he had been blindfolded, assaulted, and kept naked after his arrest in September 1987. Alfred Makeleng, a 27-year-old trade unionist and UDF activist held without charge for over 2 years, died in August after being transferred to a hospital in a brain-dead state. Although an official inquest ascribed his death to natural causes, his trade union associates and lawyer charged that Makeleng's known medical problems had been ignored by prison authorities despite repeated complaints and requests for medical attention.

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Numerous incidents of torture involving young detainees, many under the age of 18, occurred at the Protea police station in Soweto. A number of sworn affidavits were submitted supporting urgent court applications which sought to restrain police from assaulting various detainees. The State did not contest the applications, and a number of the young detainees involved were released. In June the British Broadcasting Corporation broadcast a documentary detailing torture suffered by child detainees, supported by photographs and interviews.

According to the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand, there are currently 40 lawsuits pending in the Transkei arising out of alleged unlawful activities of the security police, including unlawful arrest, assault, and torture. CALS detailed a case study of one Mrs. Matoti, who was subjected to having a canvas bag full of dirty water placed over her head, with the mouth of the bag held tightly around her neck in order to suffocate her. According to CALS, many Transkei detainees claimed to have experienced this method of torture. There was also widespread evidence of torture in the other "independent" homelands of Venda, Ciskei, and Bophuthatswana.

Amnesty International's 1988 report (covering 1987) stresses the wide variety of techniques used to torture and mistreat detainees, especially political detainees, including the use of the water bag over the head, electric shocks, and rhinoceros-hide whips.

Although the Government made no serious sustained effort in 1988 to hold erring police and other security force members accountable for abuse of detainees, there were some indications that the Government was concerned about the deteriorating image of the police. In June three Johannesburg police officers who were the subject of numerous complaints resigned following their transfer to less active posts. In May two white policemen were sentenced to death after conviction for the unprovoked assault and murder of a black man while on township duty. The State President later commuted the sentences to 15 and 20 years in prison. At the same time, two Johannesburg policemen facing death penalties for a drug-related murder had their sentences commuted to 15 and 25 years. In KwaNdebele, where abusive behavior by police was rampant, the commissioner of police and his deputy were transferred in June.

d. Arbitrary Arrest, Detention, or Exile

The ISA authorizes the Minister of Law and Order to order detention without trial for varying--in many instances unlimited--periods of time. Under Section 28 of the ISA, the Minister of Law and Order may issue "preventive detention" orders allowing for detention for up to 180 days in "unrest situations." Under section 29, police officials have broad powers to detain people for interrogation when offenses such as terrorism, sabotage, or inciting a revolution are suspected. People detained under the ISA may receive visits from their attorneys and families only at the discretion of the commissioner of police. This permission is often denied. Many people detained under Section 29 have been held for long periods without any questioning taking place.

On June 10, 1988, the Government renewed for another year the June 1986 state of emergency. Under the emergency, SADF members and police officers down to the rank of constable are

empowered to detain persons for up to 30 days. Police station cells may be used as the place of detention for the first 14 days only, after which detainees must be transferred to prison cells unless the commissioner of police grants an exception. After 30 days the Minister of Law and Order may extend the detention for an indefinite period of time, limited only by the duration of the SOE. Emergency detainees may be denied access to lawyers and have no right to a hearing before the Minister extends the detention. They are frequently kept in solitary confinement.

As in 1987, black trade union officials and members of the UDF were particular targets of state of emergency detentions. At the end of 1988, most of the national leadership of the UDF remained in detention, and it was estimated that three of every four detainees were members of the UDF or affiliated organizations. The Government has detained the entire executive committee of the UDF-affilated National Educational Crisis Committee (NECC), an umbrella organization of parents, teachers, and students, which had entered into negotiations with the Government to end the widespread school boycotts of 1986. Opposition political leaders charged that many people were being detained under the emergency regulations on dubious evidence, often on the word of informers, who themselves may have been under pressure to accuse others.

The Government has detained more than 30,000 people since the June 1986 declaration of a state of emergency. Monitoring groups estimate that only about 4 percent of those detained have been convicted of any criminal offenses. At the end of August, the Government listed the names of 18,911 people held for over 30 days since June 12, 1986. In April CALS estimated the total number of people detained in the 10 months since June 12, 1987 (including detentions of less than 30 days) at 5,000. At the end of September the Government acknowledged that 1,000 people were in detention. Human rights monitoring groups estimate that about 1,500 people were in detention at the end of the year, and believed that as many as 800 of these detainees were part of a core group held for over 2 years, with no indication of when they would be freed. In late 1988, there were increasing reports that many of these long-term detainees were suffering from serious health and psychological problems. The Government's refusal to provide specific statistics or complete lists of those being held made it difficult to confirm estimates of the number of detainees. Statistics on detentions failed to account fully for what appeared to be a common police tactic of detaining political activists, especially youths, and holding them for a few hours or overnight, during which time they were interrogated, threatened, and often beaten. In addition, many people have been arrested on criminal charges during incidents of unrest. At least 2,000 people, many of them under the age of 18, were serving sentences for "public violence" as a result of convictions stemming from incidents of political unrest.

There were hundreds of detentions early in the year in the Pietermaritzburg and Natal Midlands area; almost all those detained were UDF activists, with no known detentions of vigilantes or Inkatha members. At least 452 people were detained in the "independent" homeland of Bophuthatswana following the aborted February coup. Most were later released or charged with treason.

Before the Detainees' Parents Support Committee's (DPSC) effective banning, it estimated that 25 percent of the

estimated 30,000-plus people detained since June 1986 were under the age of 18 at the time of their detention. In February Law and Order Minister Vlok stated that 1,338 persons under the age of 18 were detained under the SOE in 1987, 290 of these 15 and under. This figure did not include those held for under 30 days.

The activist National Medical and Dental Association stated in June that between January and May its doctors had examined 3 recently released ex-detainees between the ages of 10 and 14, and 13 between the ages of 15 and 17. In March Vlok confirmed that 234 SOE detainees age 17 and under were being held in nonhomeland South Africa, 169 of them in Natal. In early July the office of the Black Sash in Johannesburg listed 50 16-year-olds and 58 17-year-olds in detention in the Transvaal. No statistics were available on child detainees in the rest of the country.

Many political figures, community and human rights activists, lawyers, churchmen, trade union officials, journalists, and others have been detained under the state of emergency. Prominent figures remaining in detention at the end of 1988 included Eastern Cape activists Edgar Ngoyi, Henry Fazzie, and Mkuseli Jack, along with virtually the entire leadership of the UDF in the Eastern Cape. Peter Mokaba, president of the South African Youth Congress (SAYCO) was detained in March. Two persons detained since 1986, law professor Raymond Suttner and New Nation editor Zwelakhe Sisulu, were released in late 1988 but severely restricted (see below). In September UDF leaders Murphy Morobe and Mohammed Valli, along with NECC president Vusi Khanyile, escaped from detention and took temporary refuge in the U.S. Consulate General in Johannesburg. They left the Consulate General on October 19 after the Government publicly stated that they would not be redetained. At the end of the year, none of the three were in detention, and no restrictions had been placed on them.

The ISA authorizes the Minister of Law and Order to issue "banning" orders severely restricting the activities of any person judged by the Minister to be endangering law and order, threatening state security, or "promoting the aims of communism" or an unlawful organization. According to the South African Institute of Race Relations (SAIRR), over 1,400 South Africans have been banned at some time since 1950. While the Government appears to have abandoned the practice of formally banning persons under the ISA, the effective banning of persons has returned under the guise of SOE "restrictions." These restrictions can include, among other things, prohibitions on travel outside a city or district, strict curfews, prohibitions on attending meetings or talking to journalists, and requirements to report daily to the local police station (as often as twice a day).

Under the new SOE legislation of February, restriction orders were served on 13 prominent antiapartheid activists, including UDF copresidents Archie Gumede and Albertina Sisulu and UDF treasurer Azhar Cachalia. An estimated 500 to 1,000 persons had been restricted by the end of the year. New regulations published in September allow the Government to restrict people simply by publishing their names, with no need to serve the orders personally. Banishment is still practiced in the "independent" homeland of Transkei.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The South African judiciary is headed by the Appellate Division of the Supreme Court in Bloemfontein and six regional Supreme Courts. All judges of South Africa's higher courts are white, as are the vast majority of its magistrates. They are appointed to the bench by the State President. They serve until age 70 and cannot be removed from office except by impeachment by Parliament. By tradition, judges of the Appellate Division and the Supreme Courts are appointed to the bench from the ranks of the elite corps of South African Supreme Court practitioners ("advocates").

South Africa has an adversarial system of criminal justice drawn from a mixed heritage of Roman-Dutch and English jurisprudence. Trials of lesser offenses are heard by magistrates, who are career employees of the civil service in the executive branch. More serious offenses, including capital crimes, are tried in the Supreme Courts. Determinations of guilt or innocence are made by the presiding judge or magistrate. Juries were abolished in 1969. Judges in capital and other serious cases are empowered to appoint two assessors, who serve as factfinders and who have the power to overrule the presiding judge on questions of fact but not on questions of law.

Persons charged with common crimes are presumed innocent until proven guilty, although Parliament has modified this general presumption of innocence for many security offenses. The ISA effectively places the burden of proof of innocence on an accused for a number of offenses enumerated in the Act. Both security-related and common crimes cases are tried in civilian courts. Security trials are sometimes held in remote locations, far from metropolitan areas, apparently in order to reduce attendance at such cases by journalists, diplomats, human rights observers, and supporters of the accused. Because of case backlogs, postponements, and the practice of hearing cases concurrently, criminal trials, and particularly security cases, can sometimes take months, even years, to complete.

Defendants in criminal cases, including "political" cases, have the right to counsel, but recent studies showed that 90 percent of those convicted in ordinary criminal cases had no representation. While conceding that a shortage of lawyers and lack of legal aid funds make guaranteed representation for all unattainable at the present time, the Natal Supreme Court ruled in June that Natal courts must ensure legal representation for the accused in cases where the lack of a lawyer constitutes "a denial of fundamental fairness." Lawyers for Human Rights established a major pro bono project during 1988 which aims to have 2,000 participating lawyers donating 5 days per year each, the first large-scale effort of its kind to be undertaken in South Africa. Courts usually appoint counsel in capital cases where the defendant can not afford his or her own lawyer.

While South Africa's high courts have traditionally maintained a high degree of integrity and independence, the power of the South African judiciary at all levels is circumscribed by stringent security legislation--tightened yet further in 1988--and by the jurisprudential principle of parliamentary sovereignty, under which judges possess no authority to alter, strike down, or refuse to enforce properly drafted and enacted acts of Parliament. Nevertheless, the courts have been the

focal point for much litigation to counter human rights abuses. In some instances, the Government has admitted abuses and reached out-of-court settlements. In the initial months of the June 1986 emergency, the courts ordered a small number of detainees freed and declared some emergency regulations unlawful. In most cases, however, the Government rewrote and reissued the regulations in ways effectively preventing further court challenges. Moreover, the courts have consistently stated that the state of emergency itself was lawfully declared. An Appeals Court decision in September held that an emergency regulation could not be invalidated even if it were "unreasonable" or "vague," a ruling which will severely limit further legal challenges to the SOE.

There have been indications in recent years that the Government has steadily increased its political influence over the judiciary. In an unprecedented step, the Government in 1987 asked the Chief Justice of the Appeals Court to remain in his position past the mandatory retirement age of 70, apparently in order to prevent a more liberal justice from succeeding him. In 1988 the Chief Justice did retire, and the Government's appointment of his successor appeared to be without political bias. There was evidence that under the former Chief Justice important security-related cases were heard only by more conservative, progovernment judges.

It is increasingly evident that the SAG sees long political trials as a means of keeping prominent activists out of circulation for extended periods of time, even if many defendants are eventually acquitted. One study found that 133 political trials under the ISA and other statutes were completed in 1987 involving 792 people, of whom 563 were acquitted or had the charges against them dropped. As of August, there were 62 ongoing political trials involving 691 accused. Recently published surveys also reveal a low conviction rate for those charged with public violence. According to government statistics, in the 1986/87 period there were only 1,746 convictions for public violence out of a total of 5,233 prosecutions.

The case of six death row prisoners known as the "Sharpeville Six" attracted international calls for clemency throughout the year because of fears that their executions would further aggravate the situation in South Africa. The Six had been convicted of murder under the controversial legal doctrine of "common purpose" because they were present in 1984 when a crowd accused the deputy mayor of the township of Sharpeville of being a "collaborator" and burned him to death. There was no evidence that any of the Six had assisted in the actual murder, and a state witness said he had been threatened and assaulted by police, and thereby coerced into making a statement falsely implicating two of the Six. In November, after all court appeals had been rejected, the State President commuted the sentences to terms of imprisonment ranging from 18 to 25 years. At the same time, he commuted the death sentences of four white policemen who had been convicted of murder (see Section 1.c.).

The Delmas/Pretoria "treason" trial, considered the most significant security/political trial in a generation, concluded in November after more than 3 years. Eleven of the original 22 defendants, all members of the UDF, Azanian Peoples Organization (AZAPO), and various black civic organizations, were convicted of terrorism, treason, or both for their antiapartheid activities during the upheavals of

1984-1986. The court accepted the State's claim that the UDF and other antiapartheid organizations had followed the dictates of the ANC and promoted a violent revolution to overthrow the Government. The terrorism convictions were based largely on assertions that the defendants led meetings or produced documents which they should have foreseen would lead to violence, or that the defendants failed to object to calls for violence by others. The State's case was based primarily on purported ANC and UDF documents which, under the Internal Security Act, are presumed to be genuine unless disproved by the defense. Some legal experts believe that the Delmas/Pretoria convictions open the door for prosecutions of many other antiapartheid activists on "treason" or "terrorism" charges. Those convicted of treason were three prominent UDF officials, Popo Molefe, Moses Chikane, and Patrick Lekota, as well as Tom Manthata of the Soweto Civic Association, who was the only defendant convicted of both treason and terrorism. The three UDF officials had been denied bail and kept in custody throughout the unprecedentedly long trial. On December 5, the top leaders convicted received sentences ranging from 10 to 12 years. At the end of the year, appeals were pending. One of the major issues on appeal involved the trial judge's unprecedented dismissal of one of the two assessors in March 1987 for having signed a UDF petition. The judge rejected a defense motion for mistrial in the wake of that action. Some legal experts observed that appeal proceedings in the case could continue for another 2 years or more.

ANC leader Nelson Mandela, imprisoned since 1962, continued to serve a life sentence, despite intensified calls for his release. Mandela's hospitalization in August for tuberculosis raised questions about conditions in his prison. He was subsequently moved to a private clinic, then to a house within the enclosed grounds of Victor Verster Prison near Paarl. The Government offered to allow Mandela's family to visit him more freely, but Mrs. Mandela refused anything more than her regular 40-minute visits until all political prisoners were released. ANC leader Walter Sisulu also remains in prison. Mandela and Sisulu's ANC colleague Govan Mbeki, who was released in 1987, continued to be subjected to stringent travel and contact restrictions. The Government released two other long-term political prisoners in November--Zeph Mothopeng, a leader of the PAC, and Harry Gwala of the ANC. Both were seriously ill when they were released.

In September a magistrate's court freed Jerszy Ras, a South African convicted of killing an American citizen. The judge, citing "extenuating circumstances", noted that Ras had been drunk and was provoked by the American's criticism of apartheid.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The system of apartheid involves the Government in extensive regulation of social, personal, and family life. A person's identification as a member of an ethnic group or race is based on definitions and decisions of the Government under the Population Registration Act. Under this law, every child born in South Africa must be registered and classified according to race. In cases of dispute, such as when the parents' racial classification is not known, a racial classification board is empowered to weigh pseudoscientific "evidence" and to issue a verdict on a person's race.

SOUTH AFRICA

Under apartheid, association in many social settings is not a matter of free choice. The Separate Amenities Act allows public premises to be reserved for the exclusive use of persons of a particular race, and a substantial degree of social segregation, "petty apartheid," still legally exists in South Africa. In recent years, however, the Government has expanded the scope of administrative exceptions to apartheid laws and has allowed most restaurants, hotels, theaters, cinemas, private hospitals, parks, libraries, and other public facilities, upon application, to admit persons of all races. Many but by no means all private establishments have opted for "multiracial" status.

Following the October elections, in which the Conservative Party gained control of over 60 municipalities in the Transvaal, numerous localities made plans to resegregate municipal facilities. Boksburg, near Johannesburg, was the first town to begin implementing such measures. Blacks in surrounding townships mounted an effective consumer boycott which forced several Boksburg businesses to close and decreased revenues of many others by up to 88 percent.

The Government has allowed local option decisions on some social apartheid issues such as segregation of business districts. Some local authorities, notably in the urban centers of Johannesburg and Cape Town, have used their limited discretion to desegregate facilities under their control, while others have not. By the end of the year, approximately 100 "white" city governments had desegregated specified business districts under an amendment to the Group Areas Act permitting such action in commercial areas. Many of these districts were on the peripheries of the cities, however. Blacks are permitted only to occupy, not to own, premises in these areas. In late 1988, the central Government repealed all national laws mandating employment discrimination, but municipal and provincial bylaws and regulations continue to discriminate against blacks--or against professions engaged in predominantly by blacks, such as street vending.

Despite these exceptions in petty apartheid, the Government's policy remains, to the extent possible, to move blacks into the homelands or to keep them (and "colored" and Indians) in designated townships. The Group Areas Act (GAA) of 1950 reserves all land in South Africa for whites, except for those areas designated for blacks, Indians, and "coloreds," and requires residential areas to be generally segregated on the basis of race. Blacks are disqualified from owning and from occupying land in urban areas not designated for them and from owning land in rural areas outside the 10 homelands, with the minor exception of "black spots"--land owned by blacks or religious missions prior to the enactment of the land acts. Authority to designate black urban areas is established by the Black Communities Development Act of 1958.

Interracial couples must reside in the area designated for the less advantaged racial group, vitiating the benefits of the repeal of the miscegenation laws in 1985. Notwithstanding the GAA, a number of so-called gray areas exist in some major cities, where blacks, coloreds, and Asians reside in technically white areas, often without government interference. Some private schools in white-designated areas admit black, colored, and Asian students.

In early 1988 the Government warned of a major crackdown on those violating the GAA. Although the number of criminal

charges brought under the Act remained relatively low, investigations apparently increased, and many people reportedly agreed to move rather than face prosecution. In late 1988, the Government tabled new group areas legislation described as "reform" but widely seen as a major step backward. While providing that certain residential areas might eventually be opened to all races, the legislation further restricts rural and periurban squatting, heavily penalizes illegal squatters and their landlords, and allows for compulsory summary eviction of squatters and effective confiscation of land. This legislation has been held up repeatedly by resistance from opposition parties of the left, including the majority in the Indian and "colored" houses of Parliament and could face major amendments before enactment.

For black Africans, even the right to reside permanently in a segregated urban township is not available if one is deemed a "citizen" of one of the "independent" homelands. Such persons are regarded as aliens in "white" South Africa, and, notwithstanding their birth in South Africa, are technically subject to restrictions similar to those for any foreigner (see also Section 2.d. and Section 3). They must obtain work permits in order to reside in urban areas of "white" South Africa, and if they succeed in obtaining a work permit, they may not be accompanied by their spouses and children. Hundreds of thousands of such persons are forced by housing shortages to reside away from their families, often in overcrowded single-sex dormitories in urban areas.

The Government owns virtually all urban black township property and subsidizes a program of rental housing. Local authorities in the black townships administer the program and collect rents. In 1986 Parliament granted blacks the opportunity to acquire permanent land tenure in the townships. After 2 years, however, only an estimated 42 houses had been sold to blacks on a permanent tenure basis, apparently due to bureaucratic delays.

Many urban townships lack some or all modern amenities, such as electricity and running water, but continue to become more crowded as rural poverty drives people to seek jobs in urban centers. In South Africa (excluding the "independent" homelands) an estimated 18 to 20 million people, most of them black, do not have electricity. The restricted amount of land available in the townships has driven up prices for housing lots and led to corruption among township officials controlling the allocation of these lots. Some declared townships are little more then permanent shantytowns with "houses" constructed of fiberboard and corrugated iron. The shortage of housing for blacks--which some estimates place as high as 750,000 units--also has led to large squatter communities.

A 1987 report by the Black Sash organization estimated that some 5 million South African blacks were without adequate shelter. Townships are often located at extraordinarily long commuting distances from cities, where most employment opportunities for South Africa's blacks are found. A 1985 President's Council's report found that some 70 percent of black commuters spent more than 3 hours daily traveling between home and work.

The Land Acts of 1913 and 1936 limit land ownership in rural areas to whites. Blacks are allowed to live in nonhomeland rural areas only with the permission of white landowners;

nearly all are farm laborers whose numbers and freedom of movement are regulated by a number of other acts. In addition to the GAA, these acts are the chief statutory bases for the South African Government's practice of "forced removals." Under these laws over the last three decades, the Government has forcibly relocated black South Africans from "white" land, often to areas in the homelands with hopelessly inadequate infrastructure and insufficient land and water for profitable (or even subsistence) agriculture. The South African Council of Churches (SACC) has estimated that since 1961, the Government has forcibly resettled approximately 3.5 million blacks, "coloreds," and Asians. Government figures issued in 1984 asserted that 2 million blacks had been resettled since 1960.

In July 1987, the State President pledged that there would be no forced removal "unless it is accompanied with the provision of better living conditions." However, in recent years the Government has tried to coerce removals by refusing to maintain the already limited infrastructure of black communities it seeks to remove and engaging in physical threats and aggressive actions aimed at convincing reluctant people to "agree" to move.

The Government continued its efforts to move the 8,000 remaining residents of the 60-year-old black community of Oukasie, near the town of Brits, to a more isolated site near the Bophuthatswana border. Many of these people opposed removal on the suspicion that the community where they would be resettled would eventually be incorporated against their will into the "independent" homeland of Bophuthatswana, a move that would strip them of their South African citizenship. In April the SAG declared Oukasie an "emergency camp," a move widely seen as a prelude to the forced removal of township residents. Service charges were increased by 50 percent. Community leaders opposing the removal were detained or forced into hiding.

The people of the Mogopa clan, forcibly removed from their traditional home to arid land in 1984, remained in a resettlement camp and accused the Government of reneging on promises made during 1987 negotiations to provide them with arable land outside the homelands. In the western Transvaal town of Koster, the Government has also attempted to remove a black township located close to a white area, in this case to a new township nearby. An April ruling of the Pretoria Supreme Court, which nullified a regulation requiring people moving to the new area to demolish their houses in the old area, at least temporarily stymied attempts to depopulate the old township.

In the Lawaaikamp settlement outside George in the Southern Cape, municipal authorities seek to use the Group Areas Act to evict approximately 2,000 black residents who have resisted strong pressure to move. The Government proclaimed the area, where blacks have lived for 40 years, for the exclusive use of "coloreds" in June 1987. Municipal authorities have initiated legal action to evict the residents despite strong "colored" support for the right of blacks to remain there, and vociferous local and international protest.

Studies completed during 1987 indicated that the Government's policy of settling blacks on arid land far from population centers was beginning to have serious consequences for nutrition as well as housing. The Operation Hunger

organization, in a survey of malnutrition, reported that South African rural blacks, particularly those in the "independent" homelands, may be more impoverished than rural Africans in neighboring countries. Malnutrition is also a serious problem in severely congested and depressed periurban resettlement areas such as Botshabelo, near Bloemfontein. Botshabelo and other such areas have been "disowned" by the Government in anticipation of their incorporation into homelands.

Various laws give police the authority in specific circumstances to enter homes without a warrant, including situations where an officer has reason to believe a warrant would be issued but that the delay caused by first obtaining the warrant would defeat the purpose of the search. In practice, police often enter and search homes of black activists as a means of intimidation, often in the early morning hours. South African security forces rely on a large network of informants as well as physical and electronic surveillance techniques to gather information about South African citizens, particularly antiapartheid activists.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While South Africans speak relatively freely on most issues, the SOE and security and legislation limit discussion of many political themes. Some segments of South Africa's largely white-owned press continued, when possible, to engage in at times vigorous criticism of the Government and its policies. However, SOE regulations severely impair freedom of expression and press by making even reporting of "subversive statements" (e.g., encouraging strikes, boycotts, or the promotion of disinvestment) a criminal offense. The regulations also ban television coverage, still photography, sketching, and radio recording from areas covered by the SOE. Media may not report on police or security force operations in "unrest situations," except as information, always limited, is released by the Government. Penalties for infractions include fines up to $8,000 and imprisonment for up to 10 years. It is also a criminal offense to publish material on political unrest, detention cases, the treatment of detainees, and various types of political activity without prior government clearance.

In 1988 the press in South Africa came under increasing pressure. Regulations published in 1987 streamlined the method by which publications can be censored and gave the Minister of Home Affairs the personal power to close a publication for up to 3 months without explanation. In April the Minister exercised these powers, closing New Nation for 3 months and South for 1 month. Several other papers, including the Weekly Mail, received official warnings. Then in August police seized copies of a Weekly Mail issue which included a story on resistance to conscription and in November banned the Weekly Mail for 1 month. These new measures further curbed the ability of journalists to report on activities such as labor disputes, "extraparliamentary" organizations, and life and thought in the black community. New SOE regulations issued in June contained significant new restrictions on the press, most notably by requiring all "news agencies" outside the mainstream media to register with the Government. More detailed restrictions were also placed on reporting of unrest. The Government later withdrew the registration requirement, largely for technical reasons. New regulations also prohibited the press from quoting anyone considered to be

a spokesman for any organization restricted under the February regulations.

The current regulations are sufficiently vague to create an atmosphere of uncertainty among journalists, resulting in a situation where self-censorship is rife, and opposition newspaper editors must surrender ultimate editing responsibility to their lawyers. Most opposition publications cannot afford the expensive legal advice required to publish stories which may test the limits of the regulations. While there were no known convictions of journalists in 1988 under the various laws or regulations, some were detained (see Section 1.d.). In addition, journalists have experienced various forms of harassment, including the theft of personal papers, vandalism of cars, and the stoning of their houses. In recent years the Government has also impeded the flow of information from South Africa by refusing visa requests by foreign journalists or by subjecting them to inordinate delays.

Under the Publications Act (applicable to most periodicals, with the exception of newspapers), the importation, possession, and publication of politically or morally "undesirable" works is prohibited. Materials subject to censorship include those found to be "indecent or obscene," "blasphemous," or "prejudicial to the safety of the state." Decisions of the Publications Appeal Board are not subject to judicial review, except in rare instances. In July the Board approved the antiapartheid movie, "Cry Freedom," but the Police Commissioner subsequently banned the film under the emergency regulations after one showing.

The Government exercises a near monopoly on television and radio broadcasting through the state-owned South African Broadcasting Corporation (SABC). With some exceptions, SABC reflects progovernment viewpoints in both its news reporting and editorial policy. While the Government professes that SABC is politically independent, a wide range of the political spectrum, from the liberal Progressive Federal Party to the rightwing Conservative Party, characterizes the SABC as an editorial arm of the ruling National Party. The dismissal of SABC Chief Riaan Eksteen in April was widely seen as heralding the network's further subordination to the Government.

Academic freedom has come under increasing pressure from the Government. In February a court decision overturned the Government's 1987 legislation enabling it to cut subsidies to universities which allowed political demonstrations. In June senior academics from the University of Durban-Westville were subpoenaed to appear in court to answer questions about their knowledge of student activists.

b. Freedom of Peaceful Assembly and Association

The Internal Security Act seriously obstructs freedom of assembly, as it gives magistrates the power to ban or impose conditions on the holding of public meetings and to close off areas to the public to prevent prohibited gatherings. Police can also ban meetings under the SOE regulations. A ban on all outdoor gatherings except sports events or specially authorized meetings, in effect since 1976, was renewed again in 1988. Restrictions on funerals of political activists or victims of political violence were maintained, limiting the number of mourners and prohibiting political speeches. Police frequently arrested persons in the townships on charges of participating in illegal gatherings. In February police used

water cannons to disperse prominent church leaders and others who had marched on Parliament in Cape Town to protest government restrictions on antiapartheid organizations. In September security police sealed off the University of Cape Town, the site of a proposed antiapartheid conference involving 75 organizations opposing the October municipal elections, and detained more than 30 persons.

Freedom of association was sharply curtailed in February when the Minister of Law and Order prohibited 17 antiapartheid organizations, including the UDF, DPSC, and AZAPO, from performing almost all activities and restricted COSATU to nonpolitical activities only. In August the Minister similarly restricted the End Conscription Campaign (ECC). In November, following a racially motivated mass murder in Pretoria, the Government restricted the ultrarightist Blanke Bevrydigings Beweging (BBB), but resisted calls to similarly restrict the Afrikaner Weerstandsbeweging (AWB), a much more significant white supremacist organization.

c. Freedom of Religion

South Africa has a wide variety of religious denominations, and the Government generally respects freedom of worship. Religious organizations are allowed to hold meetings and other activities without interference as long as they do not seriously challenge government policies. As with other aspects of South African life, individual church congregations are often organized along racial lines, but most religious organizations (including a growing number of predominantly white congregations) challenge apartheid on moral grounds.

The Defense Act provides alternative service options for religious objectors to national military service (only whites are drafted). A total of 959 religious objectors were granted community service between mid-1984 and the end of 1987, according to the monthly journal of the Dutch Reformed Church. The great majority of these (787) were Jehovah's Witnesses. Members of mainstream churches are granted such alternative service only in rare instances. Conscientious objectors on nonreligious grounds continue to be subject to a maximum 6-year sentence for refusing to serve. Following a highly publicized trial, Dr. Ivan Toms was sentenced in March to 630 days' imprisonment for refusing to serve in the SADF. In July David Bruce and in December Charles Bester were sentenced to the maximum 6-year terms on the same charge. The three objected to participating in the apartheid-enforcing functions of the SADF. In November Toms was freed on bail pending an appeal of his case.

With the restrictions on black extraparliamentary opposition, church leaders found themselves in the forefront of the antiapartheid movement. This resulted in growing tension between the Government and churchmen such as Anglican Archbishop of Cape Town Desmond Tutu; Rev. Allan Boesak, President of the World Alliance of Reformed Churches; and Rev. Frank Chikane of the South African Council of Churches (SACC). Archbishop Tutu continued to challenge the Government by supporting calls for sanctions. He and other church leaders challenged the SOE restrictions by openly calling for a boycott of the October municipal elections. Such remarks drew heavy criticism from government officials and rightwing politicians, but the Government took no legal steps. However, an orchestrated campaign was mounted against Archbishop Tutu, featuring highly publicized anti-Tutu protests involving paid

demonstrators and the distribution of leaflets in the townships. In March Rev. Boesak, head of the "colored" branch of the Dutch Reformed Church, said that he had received repeated death threats. Mysterious bomb attacks destroyed SACC headquarters in August and the headquarters of the Southern African Catholic Bishops' Conference in October, (see Section 1.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Since the repeal of the pass laws in 1986, black South African citizens are no longer required to carry government-issued passes in order to prove to law enforcement officers their right to be present in an urban area. While this represented a significant reform, a de facto system of influx control has been maintained through urban housing shortages, antisquatting laws, and sanctions against employers who hire "illegal aliens" from the four "independent" homelands. Regulations requiring "citizens" of "independent" homelands to obtain work permits for employment in the rest of South Africa could provide a basis for future "deportations" of large numbers of people to the "independent" homelands.

Assignments of blacks to homelands take place irrespective of the wishes of those assigned and without regard to the fact that they may not have been born in, or ever lived in or even visited, their putative homeland. When a homeland is granted "independence" by the Government, blacks assigned to that homeland lose their South African citizenship and receive the "citizenship" of the homeland. An estimated 8 million blacks have lost South African citizenship under this policy by South African legislation granting "independence" to four homelands: Transkei (1976); Bophuthatswana (1977); Venda (1979); and Ciskei (1981). A 1986 law provided for "restoration" of South African citizenship to a limited class of blacks who were denationalized as a result of homeland "independence" grants--those with "permanent residence" rights in South Africa. The Government has estimated that this reform will apply to only about 1.75 million of the 4 million "citizens" of "independent" homelands residing outside those homelands.

The travel documents needed to travel abroad or emigrate legally generally are not difficult for whites to obtain, although some white antiapartheid activists have been denied passports. Blacks assigned to an "independent" homeland usually cannot obtain South African passports as the Government takes the position that they are not citizens of South Africa. In some instances, this has the effect of deterring international travel as some blacks refuse to travel on a homeland passport, insisting that the Government recognize them as citizens of South Africa. In 1982 the Rand Supreme Court ruled that the Minister of Home Affairs has the absolute discretion to revoke or refuse to issue a passport without giving any reasons for his action. The Government regularly refuses passports to persons whom it regards as radically critical of the status quo.

Although South Africa is not a party to international conventions on refugees, as many as 225,000 Mozambicans have entered South Africa, most of them fleeing civil strife in their country. An estimated 35,000 of these refugees within the homelands of Kangwane and Gazankulu have been allowed to remain by the homeland authorities. However, Mozambicans

outside these areas are often hunted down and forcibly repatriated to Mozambique without an interview. The South African Government has no judicial process by which these persons can seek refugee status or appeal a decision to return them to Mozambique. Some 21,000 Mozambicans were involuntarily repatriated in the first 8 months of 1988. Relief assistance in the homelands is provided by South African private and voluntary organizations as well as by the International Committee of the Red Cross (ICRC), and the Government permits access by international observers to areas where these refugees are found.

The Government has taken harsh measures to prevent the entry of people into South Africa from Mozambique, including the erection of a lethally charged electrified fence along a portion of the border with Mozambique. The electric fence claimed at least 16 lives in the first 6 months of 1988.

The SACC estimates the total number of South African exiles to be 250,000 or more. The number of South Africans who are officially registered as refugees in neighboring countries and benefit from assistance from the U.N. High Commissioner for Refugees has not grown significantly since 1985 and remains approximately 22,000. Most of these refugees are affiliated in some way with one of the antiapartheid organizations in exile.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

The extent to which South African citizens have the right to change their government democratically depends on race. The majority of them, the blacks, have no such right. The new Constitution created a tricameral Parliament with separate chambers for whites, "coloreds," and Asians. The respective groups are represented in the tricameral Parliament on a racial ratio of 4/2/1--white/"colored"/Asian. Members of each house are elected from separate, racially based voter rolls. Each house has primary responsibility for its "own affairs," i.e., legislation affecting its own racial constituency. The State President has complete discretion to decide which issues of general concern are to be treated by all three chambers.

If the three chambers fail to reach consensus on "general affairs" legislation, the bill may be referred to the President's Council, an appointed body controlled by the ruling white National Party, for a ruling. If the bill is ruled on favorably by the President's Council, the bill is deemed to have been passed by Parliament. The lines between "own affairs" and "general affairs" are not always precise. Matters that are usually considered general affairs include foreign policy, defense, national security, and black affairs. Education is normally dealt with as an "own affair" but is subject to general laws prescribing norms and standards for salaries, curriculum, and examinations.

The terms of the new Constitution and the existence of a white majority in Parliament ensure control by the white House of Assembly over key general affairs. While there is opposition in the House of Assembly, the majority National Party has controlled South African political power and legislative affairs since its first parliamentary victory in 1948. Within the National Party, opinions on reform of the apartheid system range from moderate to reactionary. Internal differences are in theory resolved in party caucuses, but in practice the

State President, who is also the National Party leader, resolves disputes.

The ruling National Party controls 123 of the 178 white House of Assembly seats. As the National Party-led Government has moved to introduce modest changes in the apartheid system, there has been a backlash against reform in the white Afrikaans electorate which has helped the rightwing groups. The moderate white party, the Progressive Federal Party (PFP), lost considerable ground in the last election. In 1987 the Conservative Party replaced the Progressive Federal Party as the official opposition, gaining, along with the far rightwing Reconstituted National Party (HNP), 30 percent of the total white vote. In the October municipal elections, the Conservative Party made gains in the rural and industrial Transvaal but failed to make inroads elsewhere in the country. The National Party maintained majorities in the key races in Pretoria and Johannesburg and in most other areas. The PFP held its ground and announced plans to form an alliance with other liberal parties.

Political participation for blacks, who have no representation in Parliament, remains limited to a franchise in their respective homelands or, in the case of urban blacks, to a franchise enabling them to vote for black local government officials. In 1988 the Government continued to be committed to the "grand apartheid" scheme of eventually giving "independence" to more homelands. Setbacks in the courts (see Section 1. e.) and instability in these areas hampered progress toward such "independence" during 1988. The situation in strife-torn KwaNdebele, which had been slated to be the fifth homeland to become "independent," remained unresolved at the end of the year. Homeland leaders such as Enos Mabuza (Kangwane), Gatsha Buthelezi (KwaZulu), and Mogoboya Ramodike (Lebowa) maintained that they would not accept "independence."

More than 10 million blacks live in townships near white urban areas. The only voting rights they are able to exercise are those granted under the Community Councils Act of 1977 and the Black Local Authorities Act of 1982. The latter Act elevated the formal status of black municipal authorities to that enjoyed by white municipal governments. However, black local governments still face critical problems of inadequate financial resources and lack of political credibility. There were incidents of violence against candidates for black municipal councils (see Section 1.a.) and councillors continue to be viewed by most blacks as collaborators with the Government. In many areas, seats on town councils remain vacant due to community opposition, and many who serve on these bodies are forced to live in guarded, fortified compounds. Lack of black support for local government structures was evidenced in the October municipal elections, when at most only 11 percent of blacks eligible to vote went to the polls, despite the Government's spending more that $2.5 million to promote the elections in the townships and harsh measures used to suppress calls for an election boycott.

The Government has proposed some formulas to give blacks a limited role in the political process beyond municipal councils. Legislation in 1985 replaced all-white provincial councils, which oversee utilities and other local services, with multiracial Regional Services Councils (RSC's), with no racial group to hold more than 50 percent of the seats. The

Government, however, has failed to draw any blacks with popular support into the RSCs.

In 1986 the Government proposed a National Council, a body to which blacks would be elected or appointed to serve in an advisory capacity regarding a new constitutional political structure for South Africa. The National Council has been denounced by all major extraparliamentary groups as a device to give the appearance but not the reality of power sharing. In June the National Council proposal was absorbed into a new Constitutional Development Bill, with indirect elections of Council members replacing the previous proposal for some direct elections. The bill was approved by all three houses of Parliament, but at the end of 1988 the Government had still not succeeded in persuading any credible black leaders to participate in the Council.

The ANC met with groups of nonblack South Africans outside South Africa to discuss the future of South Africa on several occasions in 1988. In October the ANC scheduled meetings with officials of South African rugby and soccer associations to discuss the sports boycott, but the meetings were canceled after the South African Government publicly denounced them.

No women presently serve as ministers in the Government. Two women serve as members of the State President's Council. Five of the 178 seats in the Parliament's white House of Assembly are held by women. The "colored" House of Representatives has two female members, and the Asian House of Delegates has one. Women have generally achieved more success in electoral politics at the local than at the national level.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government extends little cooperation to various United Nations bodies or private organizations attempting to investigate the Government's human rights record. Since the October 1986 vote of an international Red Cross conference in Geneva to expel a South African Government delegation from the conference, the Government has permitted the International Committee of the Red Cross (ICRC) to maintain only a reduced staff in South Africa. In recent years the Government has allowed the ICRC to visit only those prisoners convicted under the ISA (who comprise only a small percentage of those held for political reasons). The ICRC continues to negotiate with the Government for access to all prisoners convicted of security-related offenses, including those detained under the state of emergency. In 1988 to protest the Government's lack of response on this issue, the ICRC did not visit any category of prisoners.

Even after the February restrictions, many South African organizations continued to observe, report, and contest human rights violations in the country. Lawyers for Human Rights, the Black Sash, the Legal Resources Center, the South African Council of Churches, the University of the Witwatersrand Center for Applied Legal Studies, the Human Rights Trust in Port Elizabeth, and other groups were actively involved in a wide range of human rights issues and assisted persons who are aggrieved by the apartheid and security laws. In September several of the groups established the Human Rights Commission to monitor human rights violations and issue regular reports.

Activists involved in these and other human rights monitoring organizations are subjected to personal harassment, such as office break-ins, sabotage of automobiles, threatening phone calls, opened mail, and sometimes loss of jobs. Some of these acts are undoubtedly carried out by rightwing groups outside of government, but many other incidents bear all the hallmarks of organized campaigns directed by the security police. A number of human rights activists and lawyers have been detained.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

South Africa's black majority and, to a somewhat lesser extent, the "colored" and Asian communities, suffer from pervasive, legally sanctioned discrimination based on race in political, economic, and social aspects of life. For example, per capita expenditure for education is about six times greater for whites than for blacks. Black enrollment at "white" universities has been growing slowly. After the 1984-86 political unrest, which disrupted education in many of the country's townships, most black students ended their school boycotts in 1987. Security forces maintained a strong presence around schools in many of the major townships, and student activists were often harassed or detained. In April police and high school pupils clashed in the Western Cape, in some of the worst unrest in the area since 1985.

Women of all races in South Africa suffer varying degrees of legal, cultural, and economic discrimination, most of which is based on tradition rather than codified in law. Women traditionally earn lower wages than men and are generally underrepresented in the country's political and business establishment. Black women are considered under many aspects of South African law as perpetual minors. However, Parliament passed legislation in 1988 which brought marriage laws for blacks into line with laws governing marriage between whites. Black women married subsequent to the enactment of the act have legal rights to community property accumulated during the marriage. Maternity benefits are not guaranteed to women of any race under South African law, and pregnancy is a legal basis for dismissal from a job. A women's rights movement has taken hold in South Africa, and women's organizations, often multiracial, have been at the forefront of the struggle against both race and sex discrimination.

Section 6 Worker Rights

a. The Right of Association

The Labor Relations Act gives private sector employees the right to join labor unions, although the Government places considerable restrictions on trade union activities. In 1988 more than 2 million workers were union members in a labor force of 12 million. Well over a million of these union members were black, compared to about 100,000 black union members in 1979 when major reform legislation, in the wake of the Soweto riots and the recommendations of a subsequent commission of inquiry, granted blacks full status as employees and the right to form trade unions independent of direct government control. Migrant workers from other countries also are permitted to join unions and hold office. In addition to representing the workplace interests of their members, black trade unions have increasingly assumed the role of voicing black worker demands for political rights. In February,

however, the Government issued Order no. 335 which prohibited COSATU, the largest union federation, from engaging in political activities, including publicity campaigns which make political demands on government. The State permitted a special COSATU congress called in May to develop responses to the restrictions, but a COSATU-organized conference of antiapartheid groups was banned in September. Four COSATU officials and two top officials of the Postal and Telecommunications Workers Association (POTWA) were restricted to the Johannesburg magisterial district and were required to be in their homes from 6 p.m. to 6 a.m. for period of approximately 12 days.

Except for public sector employees, the right to strike, long enjoyed by white workers, was extended to all workers regardless of race in 1979. Work stoppages triggered by collective disputes or occasionally political issues have been a commonplace occurrence in the 1980's. The wave of strikes which characterized 1987 abated sharply in 1988. Acts of violence against unions also declined, but several union offices were vandalized and the headquarters of the Transport and General Workers Union destroyed by a firebomb. No arrests were made in connection with the incidents. POTWA and the South African Railway and Harbour Workers union (SAWHWU), which waged lengthy strikes in 1987, appear to have been targeted for state harassment. Several of their officials were detained in late 1987 and 1988.

In September the Labor Relations Amendment Act of 1988, the Government's response to the widespread strikes during 1987, was enacted and came into effect. The Act places further limitations on the right to strike, weakens the Industrial Court, and is widely viewed as favoring employers over unions. In June COSATU and the smaller National Council of Trade Unions (NACTU) organized a 3-day work stayaway, one of the most effective in South Africa's history, to protest the legislation. There is a pending freedom of association complaint regarding this Act filed by COSATU which, because South Africa is not a member of the International Labor Organization (ILO), has been referred to the U.N. Economic and Social Council.

There are no legal restrictions on union affiliations with regional or international labor organizations; both COSATU and NACTU, by choice, have decided not to seek such affiliations. However, numerous affiliates of COSATU and NACTU, as well as independent unions are affiliates of trade secretariats such as the International Metalworkers' Federation and the Miners' International Federation.

b. The Right to Organize and Bargain Collectively

The South African Labor Relations Act gives private sector employees the right to organize labor unions and to engage in collective bargaining. During 1988 significant sets of negotiations involved the National Union of Mineworkers and the Chamber of Mines and the National Union of Metal Workers and the Steel and Engineering Industries Federation. The State does not interfere with union organizing in the private sector and has generally not intervened in the collective bargaining process. Industrial Court decisions in labor-management disputes appear balanced.

The Labor Relations Act does not cover the approximately 2 million farm workers and domestic servants, or, with the

partial exception of municipal employees, public servants. Most public sector employees do not have the right of collective bargaining, and none have the right to strike.

South African labor relations law does not cover the homelands, which with the qualified exception of KwaZulu, do not have labor legislation to match the post-1979 reforms passed by the South African Parliament. With the partial exception of KwaZulu, there have been reported efforts by the authorities to discourage workers from organizing trade unions in the homelands.

The Mines and Works Act, which became effective in 1988, repealed job reservation for whites in certain skilled mining occupations, removing the last statutory authorization of racially based job discrimination. However, the implementing regulations providing for eligibility standards for applicants may still limit black advancement. The Industrial Court ruled during the year that racial wage discrimination is an unfair labor practice.

Export processing zones do not exist, and labor legislation is applied uniformly throughout nonhomeland South Africa.

c. Prohibition of Forced or Compulsory Labor

There is no constitutional or statutory prohibition against forced labor in South Africa; however, Dutch-Roman common law does not permit forced labor.

d. Minimum Age for Employment of Children

The Basic Conditions of Employment Act prohibits the employment of minors under the age of 15 in most industries, shops, and offices. The Mines and Works Act prohibits minors under 16 from working underground. Trade unions, however, allege that child labor is common. There is no restriction on the age at which a person may work in agriculture.

e. Acceptable Conditions of Work

The Labor Relations Act of 1956 provides a mechanism for negotiation between labor and management to set minimum wage standards industry by industry. At present, some 101 industries come under the provisions of the Act. There is no legal minimum wage in South Africa. The Institute for Industrial Relations' survey found an average minimum monthly wage in negotiated settlements with unions in 1988 to be approximately $250. Various surveys estimated the minimum household subsistence level for a black family of six in the Johannesburg area to be $211 to $316 depending on survey assumptions. (It should be noted that the official exchange rate, upon which these figures are based, understates the domestic purchasing power of the rand.) The Occupational Safety Act sets forth minimum standards for working conditions and employment, including a standard workweek of 46 hours in most industries, as well as vacation and sick leave. The Machinery and Occupational Safety Act mandates minimum standards for the design and use of certain types of industrial machinery, and the standards are enforced.

Attention to health and safety issues has increased in recent years in part due to pressure from black trade unions. Throughout 1987 and 1988, regulations setting standards under the Machinery and Occupational Safety Act of 1983 were issued,

including regulations for workplace environmental standards, asbestos, and general and electrical machinery. The regulations are administered by inspectors of the Department of Manpower. According to Department statistics, there were 400 fatalities in industrial accidents in 1987 compared to 421 deaths in 1986. Building and construction was the most dangerous industry.

Safety issues are particularly contentious in the mining industry which is governed by regulations under the Mines and Works Act. Regulations providing for management-appointed safety officers and representatives in mines were issued in September.

SUDAN

Sudan is a multiparty parliamentary democracy based on a transitional Constitution. Its principal government institutions are the Constituent Assembly, the Council of Ministers (Cabinet), and the Council of State that shares executive power with the Council of Ministers. Three major, and many smaller, parties contested parliamentary seats in 260 out of 301 constituencies in free elections in 1986 and are represented in the unicameral Assembly. The remaining 41 constituencies, all located in the south where conflict precluded elections, are unrepresented in the Assembly. In May Prime Minister Sadiq al Mahdi formed a new coalition composed of the three main northern parties and some southerners. Although Islamic parties dominate the Government, non-Muslim southerners are politically active. Since independence, Sudan has had successive democratic and authoritarian governments. The current system dates from the ouster of President Nimeiri in 1985. Most southerners oppose the transitional Constitution as inherently discriminatory because it retains Islamic law and custom as the main sources of legislation.

The Sudanese People's Armed Forces (SPAF), of approximately 75,000 men, is largely responsible for Sudan's internal and external security and battles the Sudanese People's Liberation Army (SPLA) in the south. Martial law is in effect in government-controlled southern regions, but much of the area is not under effective government authority. Domestic order outside the south, including enforcement of the State of Emergency (SOE) periodically renewed since 1985, is the shared responsibility of the military, police, and Ministry of Interior.

Against a background of civil strife and natural disasters, and about 700,000 refugees from neighboring countries, the economy continued its downward spiral in 1988. The Government failed to agree to an International Monetary Fund "shadow" program which would set the stage for a comprehensive economic reform plan supported by international donors. High inflation, high unemployment, stagnating export earnings, rising imports, and an unpayable foreign debt led to major declines in the standard of living.

There continued to be serious human rights violations in Sudan in 1988, stemming primarily from the civil war. These included credible reports of substantial human rights abuses by government forces, including government-armed militias, and SPLA forces in and near the contested areas of the south. Military operations by both sides dislocated hundreds of thousands of people and effectively depopulated vast areas of the south. Estimates ranged up to 2 million displaced persons, including 360,000 forced to flee into neighboring Ethiopia. Until late in the year, elements of the competing forces frequently interfered or failed to cooperate with international relief efforts in order to gain advantage in the civil war. As a result of such interference, and of government negligence or inefficiency, many displaced persons suffered from severe malnutrition, and there were many deaths due to starvation and disease. Outside the south, Sudan's parliamentary democracy continued to operate with openness, and national issues were candidly debated in the media and public forums. In August the Government toughened the SOE after heavy rains and floods left hundreds of thousands homeless. The Prime Minister appointed a committee chaired by

the Attorney General to implement the decree, which banned strikes and demonstrations, imposed the death penalty for sedition, and expanded the Government's police powers. SOE laws were not widely applied in 1988, but were used on occasion to ban marches and demonstrations. At the end of 1988, the Government had delayed its efforts to implement an Islamic criminal code due to strong domestic opposition.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Most deaths in the civil war in 1988 resulted from starvation caused by inefficiency and negligence as well as both sides' interference with or failure to cooperate with relief efforts. In certain areas, soldiers and militiamen were accused of attacking groups fleeing the conflict, withholding relief food from civilians, preventing civilians from growing their own food, and trading in confiscated relief supplies intended for civilians. As a result, there were thousands of civilian deaths from starvation and disease. Limited access to the area has prevented an accurate assessment of the number of deaths from starvation. However, estimates of deaths have ranged from 100,000 to 250,000, with some observers believing the number could be even higher.

There were also credible reports in 1988 that noncombatant civilian tribespeople in areas of the civil war were killed directly or indirectly in the fighting, primarily by the SPLA and government-supported tribal militias. Estimates varied widely but probably numbered in the hundreds. Allegations against the Government focused heavily on its arming tribal militias in past years--notably, the Misseriyyah, the Baggara, the Rizeigat, and the Murahilin--which have continued to attack longstanding tribal opponents, primarily the Dinka, who are the predominant force in the SPLA.

In 1988 the Sudanese press reported on a number of killings due to the civil conflict. While the credibility of these reports varied widely, they often were based on eyewitness accounts. According to one report, 86 Nubans and southern Sudanese agricultural workers were killed by unknown gunmen south of Gedaref on April 3. The victims' hands reportedly were tied behind their backs and their bodies dumped in a canal. Another report stated that in early May, Baggara militia attacked about 200 displaced southerners walking from Bahr El Ghazal to a relief camp in Southern Darfur. The Baggara reportedly killed most of the men and abducted many of the women and children as slaves. About 10 percent of the original group reached their original destination. Members of the Bahr Al Ghazal Fertit tribe reported in June that five members of their tribe had been killed in cold blood in Wau in May by government security forces. Some reports of killings did not appear in the press, apparently due in part to government efforts to prevent publicity. For example, there were credible reports that intercommunal violence in the Nuba mountains of Southern Kordofan took scores of lives in November.

Many of the accounts concerned SPLA killings. For example, an account in the newspaper Renewal, published by the Catholic Press Institute, stated that when SPLA forces raided a village

near Juba in May, 10 villagers were killed, mostly by mines placed by the SPLA on the path out of the village, and that one man had been shot at point blank range. The witness said the SPLA force looted property, raped women, and took away captives. This and other accounts reported that SPLA mines had caused many deaths and injuries in the area. In June a Ugandan government newspaper accused the SPLA of the killing, torture, and rape of Ugandan and Sudanese refugees along the Sudan-Uganda border. The SPLA has been widely accused of trying and executing senior members of its own ranks who disagreed with SPLA leader John Garang, including some dissenters who favored negotiations with the Government. In July the Government radio station announced that the SPLA had executed Khol Acuil, a former Vice President of the High Executive Council for the Southern Region, and four other men. Reports of SPLA executions of political dissidents have not been confirmed.

Several human rights organizations released studies in 1988 on the human rights situation in Sudan. In July Amnesty International (AI) published a special 10-page study of human rights in Sudan following the collapse of the Nimeiri regime. The AI document, while welcoming positive measures such as the repeal of two laws allowing political prisoners to be detained without trial and the restoration of political parties, reported incidents of political killings and extrajudicial executions on both sides and appealed to the Sudanese Government to investigate reported massacres of civilians by government forces. In April the Minority Rights Group, an international research and information charity based in Great Britain, released a study on southern Sudan by Douglas H. Johnson, a former employee of the Regional Ministry of Culture and Information in Juba. The study criticized the government-armed militias, accusing them of massacres and slavery.

The Government has not punished military officials for human rights abuses in the conflict. Major General Abu Gurun, former Sudanese army commander in the southern garrison town of Wau, who has been accused of inflicting atrocities against civilians, including food deprivation and crucifixions, was transferred from the Wau command to the leadership of the Military Academy in Khartoum in 1988. This was generally considered to be a career-enhancing transfer. There has been no investigation of the charges against Abu Gurun.

b. Disappearance

There were no reports of the Government engaging in the planned disappearance of people, but large movements of people due to war and intertribal conflict have caused thousands of people to lose contact with friends and families. There were frequent stories of abductions of civilians by tribal militias and by the SPLA for forced labor. The son of a senior SPLA member, Joseph Oduhu, accused the SPLA of kidnaping and imprisoning his father. The SPLA denied the younger Oduhu's charge.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both government forces and the SPLA have been accused of torture and ill-treatment of civilians. In February, for example, army intelligence agents reportedly tortured 30 citizens--members of a group called the General Union of

Southern and Northern Fung (GUSNF)--in the Kurmuk and Qayson area following the recapture of those towns from the SPLA.

In 1983 former President Nimeiri abrogated the special status of the south and imposed an extreme version of Shari'a law that provided for harsh corporal punishments known as "Hudud," commonly referred to as the "September laws." Hudud punishments, including amputations and hanging, are still officially in effect, and the courts gave such sentences in 1988. However, no Hudud sentences have actually been carried out since Nimeiri's overthrow in April 1985. In the meantime, over 400 convicted prisoners were awaiting the execution of Hudud sentences at the end of 1988, and the issue remained at the center of the national debate and conflict (see Section 3). In March an amputation sentence was passed on a southern Christian, Martin Anuel Agulik. Two other persons, Hakim Kuku and Martin Adwin Ayil, were also sentenced to amputation in 1988. The Sudanese press also reported one sentence of death by stoning for adultery.

The courts regularly give sentences of flogging. In December 1987, the Government announced the abolition of flogging for many offenses and reduced the number of lashes from 25 to 10. However, persons arrested for intoxication are given 40 lashes, usually shortly after arrest. In one instance in 1988, a southern Sudanese citizen alleged that he had been beaten by Muslim vigilantes for being drunk and was then lashed by officials.

In June Amnesty International initiated a worldwide appeal to influence the Government of Sudan to repeal amputation and flogging as legal penalties.

Police treatment of persons under arrest is sometimes harsh, and police patrols harassed people on occasion in 1988. In February an Irish nurse working for an Irish volunteer medical service agency in Khartoum reportedly was stopped while driving home from work by a police patrol and beaten.

Prison conditions are generally poor. Local treatment of prisoners varies widely--some are kept in shackles continuously, while others may be allowed to return home nights.

d. Arbitrary Arrest, Detention, or Exile

Sudan's Code of Criminal Procedure, modeled after British law, requires a warrant by a Magistrate for arrest. Arrests made at the scene of a crime must be followed by a statement of charges within a specific period of time. The accused must be brought before a court within 48 hours of arrest, informed of the charges against him, and permitted legal counsel. Only certain capital offenses do not permit bail. However, under the SOE, the Government has wide powers of arrest and preventive detention for an indefinite period which technically can be invoked at any time. Preventive detentions under the SOE appear to be rare in northern Sudan. There were no reports in 1988 of persons held incommunicado in Sudanese prisons although such detentions for short periods may occasionally occur.

In southern and western areas, military authorities are empowered to detain people without charge if suspected of cooperation or sympathy with the rebellion. There are no reliable reports of how many persons were so detained in 1988,

including "prisoners of war." In May the SPLA announced it would cease to take prisoners of war claiming this had always been the Army's policy and that it intended to adopt the same course. However, in July the SPLA returned through the International Committee of the Red Cross (ICRC) a captured Army officer, and there were also other reports of SPLA prisoners held by the Army.

There are few, if any, political detainees or prisoners in northern Sudan. Professor Ushari Mahmoud, coauthor of a well-known 1987 report on the El Daein massacre and slavery in Sudan, was detained in late 1987 for the second time since the publication of his report. He was released in January 1988. In December 1988, 16 alleged coup plotters were arrested, 9 from the military and 7 civilians. At the end of the year they were still under detention.

Public officials occasionally use detention as a method of punishment in personal disputes. It was alleged in June that the then-governor of Upper Nile detained seven senior regional civil servants because they had coauthored a letter to the Prime Minister accusing the governor of corruption. The governor was also reported to have had the Director of his region's coordination office in Khartoum arrested after learning he intended to run for the governor's position.

There were no known cases of involuntary exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The legal system comprises a variety of courts involving the Supreme Court, civil, criminal, Shari'a (Islamic), and tribal courts. In 1986 the National Assembly abolished the executive power to form Special State Security Courts, thus ensuring that trials of all prisoners would take place in the regular criminal courts.

The judicial process involves a police or magistrate's investigation, an arrest warrant, the arrest, and a trial before a panel of three Judges. The appointment of judges is made by a committee within the judiciary. Trials are public except when the accused requests a closed trial. Defendants have the right to present evidence, speak on their own behalf, and obtain legal representation. There are legal aid services for the poor, but their resources are limited. The Attorney General's office apportions legal aid to those facing serious charges and to those most in need. A case may be appealed through the full series of courts from the magistrate level to the High Court of Appeals. Christian law graduates must take a proficiency examination in Islamic law in order to practice law in Sudan.

In rural areas, customary tribal law usually is observed and enforced, even though many cases in the provinces are heard by nonlocal judges from Khartoum who may be generally unfamiliar with specific tribal laws. Rural disputes most often concern land, water, and family matters.

The post of Justice Minister was created in the new Cabinet formed in May and given responsibility for administering the court system. The person appointed to this post was also appointed Attorney General. The Sudan Bar Association, which often is highly critical of the Government, questioned how the

judiciary could be independent under the authority of a politician who was also the nation's highest prosecutor.

Although the executive branch generally complies with judicial orders, there is tension between the executive and judicial branches. This tension surfaced in March, when citizens of Darfur combined with local residents in Khartoum in a peaceful march protesting the lack of security in Darfur. A government minister, without legal authority, directed first a judge and then the Chief Justice to order the police to break up the demonstration under authority of the SOE. When the Chief Justice also refused, the Minister reportedly threatened him. The Government refused to apologize for the Minister's behavior.

f. Arbitrary Interference with Privacy, Family,Home, or Correspondence

Outside the combat zones, there were few complaints of Governmental surveillance or interference with the privacy of ordinary Sudanese citizens. There were no known accusations of improper monitoring of correspondence. The scarcity of operating telephones in Sudan makes wiretapping impractical. Search warrants are ordinarily required to search private dwellings, but whether these documents are normally obtained is not known. There is a perception among northerners that the large number of displaced southerners in Khartoum represents a security threat. However, tens of thousands of southerners have resettled in Khartoum with minimal government resistance. Refugees have been harassed for living in Khartoum and other urban areas without permission. Some have been detained or fined for not carrying identity papers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is freedom of speech and press in Sudan. Parliamentary debate is wide-ranging and reflects the deep political, ethnic, and religious differences in the country. The print media are lively and express a wide variety of political opinion, often sharply critical of Government officials and their policies. Each major political party has its own newspaper. In addition, other publications present a full range of opinions from the Islamic right to the Communist left. There are two independent English-language newspapers which are prosouth and antigovernment. These newspapers reported extensively on human rights abuses in Sudan. Radio and television are state owned and tend to support Government policies.

There are signs, however, that the Government is considering placing limits on press freedom. An initial draft of a new law to regulate the press, drawn up by a professional committee headed by the well-respected journalist, Bashir Muhammad Sayyid, was rejected by the Information Minister as overly lenient to journalists. The Prime Minister and other government officials made a number of statements in 1988 critical of the press including a threat to liquidate the Sudan Times which has been the most vigorous newspaper in reporting human rights abuses. After his appointment in May, the new Information Minister replaced the Director of Sudan Television with a new Director who reportedly favors a stronger "Islamic" slant in television broadcasts. In response to foreign reporting critical of the Government's handling of distribution of relief supplies to flood victims,

the Information Minister announced in August a series of new regulations under the SOE imposing censorship on the international press in Sudan. The Prime Minister subsequently supported the measures, but in the face of heavy domestic and international criticism, the measures were rescinded within a week of their promulgation.

Academic freedom is generally respected. The university campus in Juba has been the focal point of much student and teacher unrest. The university was open as security and food conditions permitted but was closed as of the end of the year.

b. Freedom of Peaceful Assembly and Association

While demonstrations and marches periodically occur in Sudan, the Government formally banned such activities in August when the SOE law was revised. Under a special SOE declared for Khartoum in December, the Government banned a large peace demonstration planned for December 21. Nevertheless, demonstrations took place in Khartoum and elsewhere at year's end over increased prices of consumer goods, which left at least one person dead and several injured. The Government quickly rescinded the price increases.

In May government representatives picketed a meeting of the southern parliamentary opposition group, the Union of Sudan African Parties (USAP). They reportedly recorded license numbers of vehicles and names of persons at the meeting and called out participants for questioning about the proceedings. A senior Government official later came to the meeting and accused the participants of being "rebels" and SPLA sympathizers.

There are many professional groups in Sudan, e.g., the Sudan Bar Association, which meet regularly. In general, the activities of these groups outside the south and west have not been affected by the conflict and the SOE, and the Government does not normally intervene in their proceedings.

For a discussion of freedom of association as it pertains to labor unions, see Section 6.a.

c. Freedom of Religion

Sudan is a multireligious country. Islam and Christianity are formally recognized as religions of Sudan, but adherents to other religious beliefs are not legally restricted. The people of the five northern regions and the capital are predominantly Muslim, although the influx of over 1.5 million displaced southerners has begun to alter this balance; those from the three southern provinces are animist or Christian. Religious groups must register with the Ministry of Religious Affairs.

In May six southern Sudanese Christian catechists were reportedly arrested, sentenced by a local Islamic court, flogged, and imprisoned by the Southern Kordofan Provincial Government for attempting to perform maintenance on a church building. After publication of their story in the Sudanese press, the six were released from prison on bail pending a review of their case before a Magistrate. The case remained unresolved at the end of 1988.

Religious differences are a source of friction among the various groups, and the civil war has strong religious

overtones. In an interview with a British journalist, a member of a government-armed tribal militia in Southern Darfur justified his militia's raids on Dinka villages across the provincial border in Bahr Al Ghazal as a "Holy War," a "Jihad." The Government is concerned, however, that the war not be seen by the outside world solely as a Muslim-Christian conflict and often describes it as Ethiopian-sponsored Communist aggression.

A number of incidents and statements exacerbated sectarian tensions in 1988. On a factfinding trip to Southern Kordofan, Sudan Times editor Bona Malwal reported that "in Kordofan and Darfur, Islamic Fundamentalism, fanned by primitiveness and ignorance, takes an extremist and intolerant view of other religions in the area. Christian churches are routinely burned, destroyed, or closed down, and Christians murdered, imprisoned, or banished." The Catholic Bishop Paridi Taban of Torit Diocese in Equatoria accused the Government of racism and discrimination, and the Catholic Archbishop of Juba, Paolino Lukudu, stated his belief that the Government was engaged in an "extermination program."

In May then-governor of Kordofan Mohammad Ali Al Mardi accused the Catholic Church of sending SPLA saboteurs to Khartoum through the Church's relief activities for displaced southerners in El Obeid. The governor ordered the Church to stop helping the travel of displaced southerners to the national capital. Christians in the capital periodically complain that they have difficulty obtaining government permission to build new churches. For example, the press reported in 1988 that the Government ordered the demolition of a partially constructed chapel in the Christian cemetery, which it claimed had not been authorized by the Government. Demolition had not yet occurred, however, at the end of the year.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.

Freedom of movement within the country is impeded by the civil war, an inadequate transportation infrastructure, and Government restrictions. Sudan continues to require exit visas for anyone leaving the country, a requirement that can be used to restrict persons from foreign travel. Married Sudanese women must receive their husband's or other male relative's permission to travel abroad. By regulation, unmarried Sudanese women cannot travel alone but must be accompanied by a family member or other sponsor. In practice, many are able to travel unescorted. Foreigners must register with the police upon entering the country, obtain permission to move from one location to another, and register again upon arriving at the new location.

The number of civilian victims of the war increased in 1988, with long streams of southerners moving north--mostly Dinka women, children, and old people--suffering from severe malnutrition. Their plight was exacerbated by the maldistribution of food supplies, inconvenient siting of feeding centers, mistreatment by some local townspeople, military harassment of foreign relief workers, and a lack of much humanitarian assistance from the regionally based Army. By the end of 1988, approximately 2 million Sudanese had been displaced, with almost 1.5 million taking refuge in "unplanned" shanty towns around Khartoum. Over the past 2 years, about 360,000 Sudanese, mostly young males, have walked

to refugee camps in southern Ethiopia arriving in very poor health. Many of those walking out of the south have died on the way. Because sufficient food did not reach a number of towns in Sudan where internally displaced people gathered, many died of starvation.

There were a number of reports of interference by Sudanese military with food supplies of needy people in southern Sudan. In February the Army seized, allegedly for high priority military operations, 20 trucks belonging to a foreign relief agency that were being used for delivering food to needy people in southern Sudan. In the southern garrison towns of Wau and Malakal, some members of the Sudanese Army reportedly sold relief supplies at high prices on the black market. The Army also allegedly prevented citizens from bringing food into or out of these towns without permission and in Malakal severely restricted the growing of food crops.

In the key province of Kordofan, the regional military government reportedly placed a low priority on delivering food to camps for displaced southerners which resulted in many cases of starvation. However, in September the new governor in Kordofan intervened vigorously to ensure that relief supplies were expedited to towns receiving an influx of displaced persons. Subsequently, the Prime Minister visited Southern Kordofan and announced publicly that displaced southerners were to be treated humanely and that reception centers would be created near the regional border to care for them. An emergency airlift of relief supplies to the area was carried out with government cooperation in October.

Prior to this intervention, southern politicians and others in Khartoum charged that distribution of relief supplies flown into the country in August to aid victims of the floods and rains was tainted by favoritism and corruption. According to these observers, supplies were allocated on the basis of political affiliation and religion; those needing the supplies most, the displaced southerners living in the shanty towns, received little assistance.

Early in the year, Prime Minister Sadiq al Mahdi and SPLA Leader John Garang agreed to a plan by the International Committee of the Red Cross (ICRC) to supply food to civilian victims of the war in both government and SPLA-held towns in the war zone, but delaying tactics by both sides prevented implementation of the plan for nearly a year. The ICRC surveyed six sites, and was finally able to initiate relief operations in early December.

Sudan's foreign refugee population, which consists largely of Ethiopians, Ugandans, and Chadians, fluctuates between 800,000 and 1 million. Sudan has not forced the repatriation of refugees, and those registered with the Ministry of Labor can work at most occupations. The Government seeks to settle refugees, sometimes forcefully, in the countryside, but large numbers have settled in cities, especially the capital area, in search of jobs, shelter, and food. Exit visas for refugees accepted for resettlement outside Sudan have often been delayed without a clear explanation after approval by the receiving country and Sudanese security authorities.

About half of the 300,000 Ethiopian famine victims accepted by Sudan during the famine emergency of 1984-85 remain in Sudan. Fearing an additional influx of up to 500,000 refugees from Ethiopia in search of food, the Sudanese Government announced

in October 1987 that it would no longer accept refugees. It later qualified the announcement, saying it would accept genuine political refugees but not more famine victims. Since October 1987, about 15,000 new political refugees have come from Ethiopia and were being helped by the Sudanese Government and the United Nations High Commissioner for Refugees (UNHCR), as were 15,000 earlier arrivals who were returned to refugee camps after having settled on their own elsewhere in Sudan. The Government continues to cooperate with aid agencies to provide assistance to refugees.

There is popular sentiment in some areas settled by refugees to make them a scapegoat for endemic economic problems, and there were degrading incidents in 1988 involving refugees. One of the most serious was an attack on at least 102 Ethiopian refugees by newly recruited soldiers near Gedaref, reacting to an inaccurate report of the killing of an army sergeant by Ethiopians. According to the UNHCR, most of the victims reported the extortion of property including identification cards. While no one was killed in the attack, the 92 refugees who were injured were refused treatment by doctors in the Gedaref hospital. In July a refugee girl who had attempted suicide reportedly died a few days after being physically removed from the Gedaref hospital and denied treatment by several Sudanese medical facilities because she was Ethiopian.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Sudan's multiparty parliamentary system, which guarantees the right of citizens to change their government, does not extend to large parts of southern Sudan. Of the 301-member Constituent Assembly, 41 seats are not filled as the civil war prevented elections from being held in roughly half the districts in southern Sudan in 1986. Outside the south, the current Assembly was elected to a 4-year term in a hard-fought and fair election. The Government is based on a transitional Constitution. In addition to the Assembly, a 28-person Council of Ministers, and the 5-member Council of State are other chief governmental institutions.

In May a new coalition government was formed, again led by Prime Minister Sadiq al Mahdi and consisting mainly of the three largest northern-based parties, the Umma Party, the Democratic Unionist Party (DUP), and the National Islamic Front (NIF). In late December the DUP withdrew from the coalition. At the end of the year, it was unclear whether the DUP would return to the coalition or whether a new coalition would be formed without the DUP. With the exceptions of the Communist and tiny Ba'ath parties, political parties in Sudan tend to be based on either a religious sect or tribal group. The Umma, the DUP, and the NIF are based in the Ansar and Khatmiyya Islamic orders and the Muslim Brotherhood, respectively. The opposition Union of Sudan African Parties (USAP) is a mostly Christian grouping.

Sudan's fragile democracy has repeatedly been tested and deadlocked on the political/religious issue of the constitutional basis of government. The new coalition Government committed itself to the passage of new Islamic laws within 2 months, and in September, the Council of Ministers forwarded to the Constituent Assembly the Attorney General's proposed draft of a strict Islamic-based criminal code featuring Hudud punishments. The draft code encountered much

opposition and was referred in October to a parliamentary committee. The goal of holding a national conference to draw up a new constitution remained unmet, although in December the Constituent Assembly approved a plan to hold such a conference. Southern deputies and the SPLA advocate a return to a secular constitution. A special ministry created in 1986 to oversee the convening of a constitutional convention was transformed into a constitutional commission in 1988.

The Prime Minister has important appointive powers. Other than Constituent Assembly members, there are no elected government officials in Sudan. Regional, provincial, and local government officials are appointed by the Prime Minister. Frequently the appointees are unpopular in their assigned areas, and regional government for many parts of Sudan is ineffective. Local officials are also strapped by serious shortcomings in transportation and communication infrastructure. In some areas, most notably in the south and far west, where civil order has deteriorated seriously, local officials have been unable to provide security and meet other basic responsibilities. In response, the Government has begun a program of restoring traditional "native" administration in many areas.

In the south particularly, governors are still appointed more for their loyalty to the central Government than their acceptability to their constituents. The Council of the South, a largely powerless body created in 1986 by the Prime Minister to oversee southern affairs, is also staffed with the Prime Minister's appointees. The Council was dissolved in 1988, then reinstituted under a new Council Chairman, but the remaining Council seats had not been filled by the end of 1988.

Women and men have equal voting rights in Sudan. Non-Muslims can reach high levels in the military and the civil service. There are 3 Christians in the 28-member Cabinet, and 1 on the 5-man Council of State. Two out of a total of 260 sitting members in the Constituent Assembly are female, both members of the National Islamic Front. The highest ranking female in government is the Minister of State for Education.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is acutely sensitive to local or foreign criticism of its human rights performance, most recently on the issue of distribution of food relief. Human rights issues are openly discussed and debated both in official and private circles. However, the Government did not institute any public investigations of alleged human rights abuses in 1988, and it did not reply to AI's special study of human rights in Sudan following the collapse of the Nimeiri regime (published July 1988), which had earlier been forwarded to the Government for comment.

Sudan has several active organizations that monitor human rights in the country, including the Sudan Human Rights Association (SHRA), the Sudan Bar Association (SBA) and the Sudan Catholic Bishops' Conference. Neither the SHRA nor the SBA has produced in-depth reports of human rights abuses in Sudan.

SUDAN

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Sudan's population of 21.1 million (1984) is composed primarily of two distinct cultures--Arab and black African. Historically, all of Sudan's governments have featured political and economic domination by northern Muslims (approximately 13 million). Various tribal groups in the south, especially those who are non-Muslim or non-Arab have demanded a greater share of the nation's economic development and political power, and greater recognition of Sudan's African as well as Arab culture. Southerners coming north looking for work or to escape the war often face social discrimination by the Muslim Arab majority. For example, southern students, unable to attend schools in the war zones, have had difficulty finding places in the northern schools, although the Government ostensibly ensures that a certain number of places are reserved for them.

Men and women retain traditionally segregated roles, and Sudanese laws favor men. There were reports that Sudanese families displaced by the war and facing starvation generally allowed their daughters to starve to death first in the hope of providing their sons with enough food to survive. Under the Islamic law of inheritance, women receive only half as much property as men. The incidence of female circumcision, although illegal, remains high, and the practice is ingrained in the culture of many groups. Owing to tradition and social circumstances, women receive less education than men, although legally they are entitled to equal opportunities. They have fewer employment opportunities, but some women play an active role in government, the professions, the media, and higher education. There are a number of professional women heading Government ministry departments, research institutes, and other institutions such as schools.

Section 6 Worker Rights

a. The Right of Association

The Sudanese labor movement played an active role in the overthrow of Nimeiri in 1985 and in the formation of the Transitional Military Government leading to restoration of democracy in 1986. Unions have become a strong institution in Sudan. The 1985 Transitional Constitution, amended in March 1987, provides for the right of workers to form and join unions. Unions elect their own leaders without interference from the Government, although all political parties, both within and without the Government, take a keen interest in the outcome. The unions' leaders are generally responsive to members' concerns.

The primary labor organizations are the Sudanese Workers Trade Union Federation (SWTUF) and the Sudanese Employees and Clerks Federation (SFETU). The SWTUF, which represents blue-collar workers, has been a stable organization since 1985. Its white-collar counterpart, the SFETU, underwent major changes in December 1987, when the Government required it to split into three separate federations: employees, professionals, and teachers. (However, this division, intended to limit the power of the Communists by isolating them in the smallest of the three new federations, was generally supported by the rank and file.) In addition, a Trade Union Alliance composed mostly of white-collar workers and professionals serves as an informal lobbying group. Sudanese unions actively participate

in Arab and African labor organizations and the International Labor Organization (ILO). Several small Sudanese unions are affiliated with the Communist-controlled World Federation of Trade Unions. The invited guests and observers at the 1988 General Congress of the SWTUF included officials of the Arab and African regional bodies with which it was affiliated and representatives of counterpart African and Arab federations and of more distant national labor centers such as the American Federation of Labor-Congress of Industrial Organizations.

There is no "labor party" in Sudan. Individual unions tend to support the party adhered to by the union's own elected leadership. The blue-collar unions tend to be more Islamic and traditional and the white-collar ones more secular, although there are exceptions. One important noneconomic issue on which most unions opposed the Government in 1988 was the imposition of a new Shari'a (Islamic) legal code.

Strikes are ordinarily legally permissible, except in the judiciary, armed forces, and police. The SOE imposed in August temporarily banned all strikes. The law stipulates that the process of negotiations and arbitration must run its course before a union may strike. There were, however, a number of strikes in 1988 which did not pursue this process. Although these strikes were technically illegal, the Government generally tolerated these strikes and took no legal action against participants. Reacting to a plan of bank employees to strike in protest against the Government's plan to privatize publicly owned banks, the Finance Minister in July charged union leaders with manipulating the debate over privatization for their own personal and political goals. The Minister said the Sudanese Government might draft new labor laws to prevent strikes in vital industries, such as finance, water, and electricity. Most strikes in 1988 were motivated primarily by economic considerations, such as demands for pay raises and improved working conditions. Some strikes, particularly after the formation of the Government coalition in May, also had political goals.

b. The Right To Organize and Bargain Collectively

The Transitional Constitution of 1985 provides for the right to organize and to bargain collectively. In 1988 unions representing water and electrical workers, railroad workers, agricultural workers, bank employees, and teachers, among others, bargained with management (in all these cases the Government) for better salaries and working conditions for their workers. There are no official constraints on union organization. The catastrophic condition of the Sudanese economy is the primary constraint on the creation of jobs and expansion of union membership. Many observers believe that state-owned enterprises maintain unnecessarily inflated employment rolls and are unwilling or unable to challenge the unions and reduce the rolls. There were no instances in 1988 of any form of intimidation of union officials. This type of activity has been absent since the overthrow of the Nimeiri dictatorship in 1985. Labor legislation is applied uniformly throughout the country, although at present it has limited applicability in the war areas. There are no export processing zones in Sudan.

c. Prohibition of Forced or Compulsory Labor

Government law strictly forbids forced or compulsory labor. There were, however, continued allegations of slavery in Sudan

in 1988, and the issue remained controversial in the country. The Government has denied that slavery exists. Observers have claimed, however, that no Sudanese government has been able to eradicate the centuries-old practice of slavery and that it still exists in remote parts of Sudan. According to some reports, the civil war, particularly the Government's practice of arming tribal militia, and economic pressures revived slavery. There have been allegations of persons working without pay as cattle boys and domestic servants. Some allegedly were abducted during raids by members of the Rizeigat and Misseriyyah government-armed tribal militias on rival tribes, primarily the Dinka. There were also reports of Dinka parents selling their children to prevent their probable starvation. The southern-run English-language newspapers published occasional allegations of abductions and enslavements of rival tribespeople. In February the Sudan Times reported interviewing an escaped slave described as a 12-year-old Dinka boy. According to his account, the boy and six other members of his family were abducted in January 1987 from their village in Bahr Al Ghazal by members of the Misseriyyah militia. The boy said he had been forced to work for a year on a farm in Southern Kordofan belonging to one of the militiamen who captured him.

d. Minimum Age for Employment of Children

The legal minimum age for workers is 16. This law is enforced in the official or wage economy. Cases of child labor are widespread in the parallel economy due to the depressed condition of the Sudanese economy. In rural areas, children assist their families with agricultural work.

e. Acceptable Conditions of Work

Sudanese laws prescribe health and safety standards, but in general, working conditions are poor. Enforcement of environmental standards is minimal. Unemployment and underemployment are major problems in Sudan, particularly among youth. Graduates, even of such prestigious schools as Khartoum University, face severe difficulties in finding any type of employment after completing their education. Sudanese labor laws and practices, by and large, conform to international standards.

The workweek is limited to 6 days and 48 hours, with a 1-day rest period on Friday. Laborers are given an extra month's pay for each year's labor. Most workers receive allowances for transportation and some for housing. These standards are effectively enforced in the official economy, in both the public and private sectors. However, in rural areas and in the parallel economy, these standards are not enforced. The minimum wage was raised in December to about $67 per month at the official exchange rate, or $26 per month at a new, legal parallel rate which closely reflects the free market. This salary is far from sufficient for subsistence in urban areas, and workers must rely on supplementary means such as some farming, second jobs, or help from the extended family. Salaries in private industry are generally higher than those in the public sector.

SWAZILAND

Swaziland is governed as a modified traditional monarchy. All executive, legislative, and judicial powers are ultimately vested in the King. He is advised by the Queen Mother, traditional figures, and the ministers of the Cabinet; he rules according to Swazi law and custom, never codified but ultimately determined by the King himself and his advisors. There is no constitution. Legislation is passed by the Parliament and is then submitted to the Monarch for assent--which may be withheld. Great emphasis is placed on obtaining consensus as the basis for executive decision. Swaziland's Government features both "modern" and "traditional" branches--a cabinet, parliament, and courts which follow Western law, and a tribal hierarchy with "national" courts which follow traditional Swazi law and custom. The King appoints the Cabinet, which is responsible to him, from among Members of Parliament.

National defense is provided by the Swaziland Defense Force, consisting of fewer than 3,000 troops. The Royal Swazi Police is the primary internal security organization. These forces have difficulty coping with the spillover from southern African regional conflicts. The use of Swaziland by the African National Congress (ANC) as a transit corridor into South Africa has led to occasional confrontation involving ANC members, South African security forces, and Swazi authorities. The huge influx of Mozambican refugees has placed an additional strain on the Swazi security apparatus. Neither the police nor the defense force have been accused of human rights violations.

Swaziland's economy is based on agriculture, with approximately 80 percent of the population engaged in subsistence farming. It is a free market economy, with a number of large firms (many foreign-owned) producing the majority of Swazi exports. Imports come primarily from South Africa.

While human rights are generally respected in Swaziland, there are significant restrictions on free speech and political rights. By custom, Swazis tend to avoid overt criticism of the Government, exhibiting a culturally induced self-censorship. This reduces the need of the Government to silence critics. Nevertheless, the Government is sensitive to negative or potentially insulting remarks about the King, Swazi traditions, and matters of national security, and will act against persons who offend in these areas. Two journalists were arrested in February when they wrote a story about the Mozambique resistance group, RENAMO, which the Swazi Government found threatening to Swazi-Mozambican relations. During an interregnum beginning with the death of King Sobhuza II in 1982 and ending with the accession of Mswati III in 1986, a schism developed within the Swazi royal family revolving around the replacement of the former King's designated Queen Regent and Prime Minister in August 1983. This dispute led to the conviction of 10 influential decisionmakers (many of them members of the royal family) fortreason and related charges in March 1988. The interregnum intrigues are also believed to be behind the arrest in April of 9 persons under 60-day detention orders. A July royal pardon of the prisoners convicted of treason cleared Swazi prisons of all political prisoners.

SWAZILAND

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports or allegations in 1988 of political killings by the Government. However, several incidents involving members of the African National Congress occurred in Swaziland in 1988. On January 13, a South African ANC member was shot dead by an unidentified gunman in a restaurant in Manzini. In October 1987, an ANC member running from South African police forces shot and killed a South African soldier who had followed him into Swazi territory. He was tried for murder by a Swazi court and acquitted on May 4, 1988. There were several shootouts between Swazi police and ANC members during 1988, with no fatalities.

b. Disappearance

There were no reports of disappearance in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture, as a rule, is not practiced in Swaziland. However, occasionally there are allegations made by prisoners of police threats and beatings. Complaints generally come from criminal, not political, prisoners. Defendants occasionally charge that confessions have been extorted by the police, especially in trials dealing with ritual murder. These charges by the defense are sometimes substantiated by the judges. Caning can be administered to youths involved in either petty or violent crimes.

d. Arbitrary Arrest, Detention, or Exile

Swazi law requires warrants for arrests in all but certain exceptional circumstances. These exceptions, however, are poorly defined and, in practice, police who have strong suspicions about a suspect do not normally seek a warrant. The police are allowed to hold a person for an undefined "reasonable time" without charge. In some cases, this has led to persons being detained without charge for considerable periods. Such detainees are allowed to consult with a lawyer of their own choosing, though some attorneys have had difficulty gaining access to their clients. Provision for bail exists. A 1978 detention law permits the Government to detain any person without charge for a renewable period of 60 days. This law, invoked several times in 1987, was again used in 1988. In February the Swazi police arrested two journalists from the Swazi Times newspaper for writing an article suggesting that the Swazi Government was sympathetic to RENAMO and that it permitted RENAMO to use Swazi territory as a refuge to escape Mozambican forces. The two were released after spending 60 days in prison. In April, nine persons, including several members of the royal family, were detained under the 60-day law, reportedly for involvement in the ousting of Queen Regent Dzeliwe and the installation of Queen Regent Ntombi in 1983. No charges were pressed against the detainees. One prisoner was released in late April; the other eight were held until June 21. Detention under the 1978 Detention Law cannot be appealed to the courts, though it may be appealed personally to the Monarch.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The modern judiciary consists of a Court of Appeals, a high court, and various subordinate magistrates' courts which are independent of executive and military control and free from intimidation from outside forces. Some members of the judiciary are not Swazi but are appointed from the bars of other countries with compatible legal systems. The current Chief Justice is British. Court-appointed counsel is provided in capital cases or where difficult points of law are at issue. There are well-defined appeal procedures up to the Court of Appeals, the highest judicial body.

The right to a fair public trial is provided for by law and is honored in practice, although the court president may order a trial to be held in camera in certain (e.g., rape) cases. The Prime Minister may also require that a trial be held in private, but this is rare and has not been done for several years. Accused persons are presumed innocent until proven guilty. In sedition cases, the Prime Minister, if he is of the opinion that the security of Swaziland may be involved, may order that proceedings be held in camera before a special tribunal appointed by the King. The special tribunal may, if it deems appropriate, adopt rules and procedures apart from those applied in the High Court.

In traditional courts, where ethnic Swazis may be brought for relatively minor offenses and violations of Swazi traditional laws or customs, legal counsel is not allowed, but defendants may speak on their own behalf. Swazi traditional law has not been codified. Both offenses and punishments are limited, and findings are subject to a review system and appeal to the High Court and the Court of Appeals. Accused persons who desire counsel may insist that their case be transferred from the traditional courts.

In November 1987, King Mswati III issued the Tribunal Decree, which permitted the formation of a special tribunal to try offenses committed against the King and Queen Mother. The Decree specified that the tribunal was to be composed of at least three persons, chosen by the King, who have "suitable and sufficient knowledge of Swazi law and custom." This Decree permits in camera sessions, forbids the accused from having legal representation, denies the right of appeal, and sets a maximum sentence of 20 years in jail or a $8,500 fine. Soon after the publication of the Decree, a special 3-person tribunal was formed to try 12 prisoners for treason. Its proceedings were held in camera, and the 1987-1988 trial record remains confidential. Although 2 prisoners were acquitted, the remaining 10 were convicted of treason and related crimes and received sentences ranging from 3 to 15 years. All 10 prisoners subsequently benefited from a royal pardon on July 12. Prince Mfanisibili, however, the alleged ringleader of the group, remains in jail to complete 6 more years of a 7-year criminal sentence he received in 1987 for obstruction of justice. Amnesty International's 1988 report said the special tribunal proceedings did not satisfy international standards of fair trial.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Swazi law generally requires that a warrant be issued by a magistrate before police may search homes or other premises. However, senior police officers are permitted to search for evidence without a warrant if the suspected crime is of a serious nature. This exception is frequently used. While there is no evidence that the Government actively monitors private correspondence or conversation, the Swazi police have been known to apprehend and interrogate persons who, according to its informants, have made objectionable statements about the King during the course of private conversation or via telegraphic correspondence.

Recent growth in criminal activity, including violent crime, has led to increased vigilance by police. In August the police erected a number of roadblocks around the major cities, stopping and searching all cars. A number of weapons were found. Police also conducted extensive, generalized house searches in the urban areas. The impetus to these activities was a public outcry for action following a rash of armed robberies and killings in the Mbabane area over the preceding months. In addition to netting weapons, the police also arrested a number of illegal immigrants (mostly Mozambicans), many of whom were deported.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech is limited. A Swazi's main traditional forum for expressing discontent is through his or her Chief, and public condemnation of certain policies and people is not permitted. Criticism of the royal family and of national security policy is forbidden. In July and August, the People's Parliament offered an unusual forum for free speech. A rarely used traditional mechanism for communication between the King and his people, the People's Parliament is essentially a free-for-all assembly. There is no agenda, and anyone can speak. At the beginning of the session, which lasted 2 weeks, the King guaranteed freedom of speech for all participants. The result was a spirited public discussion on a number of issues. Public officials were openly attacked, and policies criticized. At the close of the session, the King reiterated that statements made by participants had been made with promise of impunity and warned those criticized to refrain from taking any action against their detractors.

The media, both government controlled and private, practice self-censorship, refraining from critical comment on sensitive government activities or on controversial issues involving the royal family. Swazi radio and television stations are government controlled, and there is also a semiofficial newspaper. Private companies and church groups publish several newspapers and magazines. The 60-day detention of two Swazi Times journalists for writing an article criticizing government policy revealed the limits of press freedom (see Section 1.d.). The Government maintained that the article, in addition to being false, harmed Swazi-Mozambican relations and that the journalists had failed to exercise good judgment as the Prime Minister had advised earlier in the year.

The Government has occasionally proscribed publications, including foreign publications, deemed to be prejudicial to

the interests of defense, public safety, or public health. Two major South African publications, banned in 1985 because of critical articles on Swazi domestic politics, remain excluded. No new bannings occurred in 1988. Academic freedom, though generally accepted, does not extend to permitting direct criticism of the royal family or government ministers, and certain aspects of government policy (i.e., security) may not be discussed.

b. Freedom of Peaceful Assembly and Association

The King's Proclamation of April 12, 1973, reaffirmed by the King's Proclamation Amendment Decree of 1987, prohibits meetings of a political nature and processions or demonstrations in any public place without the consent, sometimes withheld, of the Commissioner of Police. In practice, however, no permit is required for most gatherings. While freedom of association is generally permitted, it is not observed in regard to what the Government deems antigovernment activity. Trade associations and professional bodies exist in Swaziland and maintain relations with recognized international bodies in their fields.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Swaziland is traditionally hospitable to all religious beliefs, informally considers itself to be a Christian country, and permits a wide variety of foreign missionary activity. Organized religions are free to establish places of worship and train clergy. No licenses are required for such organizations or in order to publish religious texts, nor are there any bars to religious travel outside the country. At the same time, the authorities promote the observance of Swazi customs. When these customs conflict with religious beliefs, there are occasional difficulties. Church condemnation of traditional Swazi ceremonies in the past has led to the arrest and deportation of church figures. The Government has objected to pastoral letters criticizing social injustice which it considered political interference. In 1988 there were several cases of chiefs in rural areas creating difficulties for Jehovah's Witnesses. As a result, the Government reiterated publicly that all religious groups, as long as they obey Swazi laws, should be permitted to practice their religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swazis may travel and work freely within Swaziland. Those who have left the country may freely return, and citizenship is not revoked for political reasons. Swazis generally can obtain a travel document to travel in the region, but the Government occasionally refuses to issue a passport if the applicant does not appear to have adequate means of support while abroad. Citizenship for nonethnic Swazis and persons of mixed heritage can be difficult to establish, creating problems in obtaining passports and other civil documents. Swaziland is a signatory to the U.N. Protocol Relating to the Status of Refugees and treats displaced persons from neighboring states well. Seven thousand primarily ethnic Swazis from South Africa who fled Zulu administration in the black South African homeland of Kwazulu reside in Swaziland.

SWAZILAND

In 1988 there was a huge increase in the number of Mozambican refugees living in Swaziland. While approximately 28,000 were officially registered by the United Nations High Commissioner for Refugees (UNHCR), it is believed that an additional 30,000 or more may be in Swaziland illegally. Swaziland permits the UNHCR to interview those who seek refugee status and grants asylum if the person can establish that he or she will face persecution if repatriated. Illegal aliens who cannot establish their refugee status, however, may be deported. During the July/August roadblock operation by police, hundreds of Mozambicans illegally in the country were arrested. After UNHCR screening, a number were legally registered as refugees. Many, however, were determined to be economic migrants, not legitimate refugees, and these were repatriated to Mozambique. As in previous years, the Swazi police arrested a number of ANC activists (primarily South African) in 1988. They were turned over to the local UNHCR representative for transfer to countries (usually Tanzania and Zambia) willing to receive them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government through democratic means. Political parties are outlawed, and an organized political opposition to the Government in the sense of a multiparty system does not exist. The King is an absolute monarch, although final decisions concerning matters such as political policy, the appointment of ministers, or issuance of decrees are made by the Monarch after obtaining the advice of the royal family, the senior chiefs, the Cabinet, Members of Parliament, and various interested parties. The system provides for extensive consultation in private and depends on slow consensus building, placing a premium on ethnic Swazi descent and especially on royal or other traditionally prized connections. Legislation is passed by the Parliament and is then submitted to the Monarch for assent--which may be withheld. Swazis do participate in the selection of Members of Parliament. Parliamentarians (50 in the House and 20 in the Senate) are chosen in a complex process involving the interaction of a 7-member electoral committee, 40 traditional districts, 80 electors, and the King's appointive powers. The King may dissolve the Parliament and call new elections. Elections are normally held every 5 years. The Parliament serves as a forum for examination and criticism of government policies, but matters are seldom pressed to a vote and, when they are, unanimity is usually the result.

The second most powerful person in Swaziland is traditionally the Queen Mother, and other women play prominent roles as well. There is one female cabinet minister, the first to hold a ministerial position, and several parliamentarians are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Swaziland prefers to take a low profile in dealing with nongovernmental organizations. However, it permitted in 1987 representatives of the Ministry of Justice and the University of Swaziland to join, in their private capacity, the newly formed African Association for Human and People's Rights in Development (AAHRID). As AAHRID members, they report on human rights abuses in Swaziland. The Government has not been the

subject of any resolutions by official international organizations in 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Unique Swazi governmental and social traditions unavoidably create differences between ethnic and nonethnic Swazis. For example, ethnic Swazis from South Africa seeking political refuge in Swaziland are treated much like Swazi citizens and are often given work permits. Those who are not ethnic Swazis are treated more as foreigners, and permits are given more reluctantly. Nevertheless, the kingdom makes a special effort to welcome the full participation of nonethnic Swazis in its life. A significant expatriate community exists, primarily businessmen and missionaries.

The role of women in Swazi society is largely determined by traditional values. Since men are away from their homesteads much of the time, women perform most agricultural tasks and have responsibility for virtually all child rearing and domestic chores. However, they are not given authority to make family decisions, and, in most cases, are not legally equal to men. A married woman, unless her position had beendefined by a prenuptial agreement, is virtually a minor under the law. She is not responsible for contracts she signs, and she may not, except in rare instances, hold real estate or inherited property in her own name. She must normally obtain her husband's permission to borrow money, to leave the country, and, in some cases, to take a job. A woman divorced in a traditional court has no right to the legal custody of her children, although she may have to care for them with no support from their father. In the modern or statutory courts, custody is awarded according to the interests of the child, and financial support for wives granted custody is generally provided.

In the workplace, the Employment Act of 1980 forbids employers to discriminate among employees on the basis of race, religion, sex, marital status, or political affiliation. It requires equal pay for equal work. Even so, around 75 percent of all private sector jobs are held by men, and their average wage rate by skill category is substantially higher than for women. Women have access to schools and constitute about half the student body in nearly all institutions. There has been a significant increase in the number of women who are lawyers, medical doctors, and members of other professions.

Section 6 Worker Rights

a. The Right of Association

The Industrial Relations Act (IRA) of 1980 reaffirms the right of trade unions to exist, organize, and associate freely. Trade unions have widened the scope of their activities since 1981 but, since most Swazis are subsistence farmers, they play a small role in the economy and have little political influence. They are able, within limits, to operate independently of government or political control.

Unions are free to draw up their own constitutions within the framework of the IRA. The Act specifies a number of provisions which must be addressed in a constitution. These include provisions for election of officers by secret ballot, annual meetings (at a minimum) open to all members, fees,

grounds for suspension of members, paying out of union funds, and other rules. A constitution must be approved by the Labor Commissioner, who can strike out or amend provisions which violate requirements of the law. Union representatives are freely elected by secret ballot. Unions cannot be dissolved as long as they adhere to the regulations of the Industrial Relations Act. Unions which fail to maintain proper registration with the Labor Commissioner can be dissolved.

The IRA details the steps to be followed when disputes arise, including what determines the legality of a strike. The Act provides for an Industrial Court, presided over by a High Court judge, for the settlement of employment disputes. The Industrial Court is empowered to hear and give judgment on disputes and grievances and to enjoin any organizations from striking or continuing to strike.

Strikes are rare in Swaziland and are generally considered to be "unSwazi" by the Government and most of the population. When disputes arise, the Government tries to intervene to reduce the likelihood of a strike, which may not be legally called until all avenues of negotiation have been exhausted. The Labor Commission may then issue a 14-day postponement of any strike which may be extended upon presentation of additional documentation. Where the national interest or welfare is concerned, the Minister of Labor may forbid a strike or may refer the dispute to the Industrial Court. In June 180 striking workers at a furniture factory lost their jobs after refusing to return to work when the Government declared the strike illegal on the ground that the strikers had not followed the dispute resolution channel prescribed by law.

The Swaziland Federation of Trade Unions, the union umbrella organization, participates in the International Labor Organization and is a member of the Organization for African Trade Union Unity. Two international union conferences were held in Swaziland in 1988. In March the Southern African Trade Union Coordination Council held a transport union workshop in Mbabane. In July the International Confederation of Free Trade Unions and the African Regional Organization held their 10th regional conference in Swaziland. This willingness to host labor conferences constitutes a change in government attitude in the last 2 years. In 1986 it refused to allow an international meeting of trade unionists to take place in Swaziland.

b. The Right to Organize and Bargain Collectively

The Industrial Relations Act of 1980 provides for the right to organize and bargain collectively. The Industrial Court is empowered to register collective agreements. The Industrial Relations Act has provisions which outlaw interference and antiunion discrimination by employers. Disputes in this area are referred to the Labor Commissioner and then the Industrial Court, if necessary. Employees can prohibit employers from attending union functions when the union does not have the 40 percent membership in the workplace required for recognition. However, members of a legally recognized union must be allowed to attend union activities. There are no off-shore manufacturing facilities in Swaziland, and labor legislation is applied uniformly throughout the country.

While collective bargaining does occur, it is generally on a low scale and in specific sectors. The right of unions to

organize is codified, and there is little overt antiunion discrimination. The Government constantly works to avoid labor confrontation, encouraging voluntary negotiations between employers and unions. The Government, while not openly antiunion, frequently refers to labor unrest as threatening to Swaziland's image as a fruitful and stable place for foreign investment.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Swaziland, and such labor is legally prohibited.

d. Minimum Age for Employment of Children

The Employment Act of 1980 prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members are employed in the firm, or in technical schools where children are working under the supervision of a teacher or other authorized person. Legislation limits the number of night hours which can be worked on schooldays and limits such work overall to 6 hours per day or 33 hours per week. However, such provisions are difficult to enforce due to the small size of enforcement staff.

e. Acceptable Conditions of Work

There is extensive legislation, notably in the Employment Act of 1980, protecting worker health and safety in Swaziland. There is a 48-hour workweek in the modern sector. Swaziland does not have a single minimum wage but rather has a sliding scale of minimum wages depending on the type of job. For a clerk, the level is about $22 per week. This salary places the clerk above the average per capita income, and so he or she could be said to have a decent living. A casual laborer earning about $10 per week probably does not have a decent living. However, most Swazi families also cultivate and graze cattle on Swazi national land on which their homesteads are erected and from which family income is also derived. When this source of income is taken into account, by African standards Swazis make a good living.

In 1987 the Ministry of Labor and Public Services conducted a safety survey of 28 industrial establishments. The average yearly accident rate for the companies was 5.2, deemed by the Government to be too high. Consequently, the Ministry of Labor and Public Services directed employers to introduce accident prevention programs and reminded them of their responsibility, under the Workmen's Compensation Act of 1983, to report all accidents to the Swazi labor office within 7 days of occurrence.

TANZANIA

The United Republic of Tanzania, formed in 1964 when mainland Tanganyika united with the newly independent island of Zanzibar, is a one-party state. The party, the Chama Cha Mapinduzi (CCM), and the Government claim to be democratic institutions, but in reality political direction comes from a party-chosen elite, not from the people. Julius K. Nyerere served as President and chairman of the party almost continuously from the independence of Tanganyika in 1961 until 1985. In 1985 Nyerere voluntarily retired from the Presidency and sanctioned the election of Ali Hassan Mwinyi, the former President of Zanzibar and First Vice President of Tanzania. Nyerere, however, retains the chairmanship of the CCM. The party attempts to control activity at all levels of society through its system of 10-family cells. Zanzibar (which includes the island of Pemba) is ruled by the CCM but exercises a considerable degree of autonomy.

The Tanzanian People's Defense Forces number more than 30,000 personnel. Additional paramilitary forces consist of a police marine unit, a police field force, and a large citizens' militia. The Government has tolerated vigilante forces in rural areas to counter lawlessness, especially cattle rustling. Vigilante groups committed human rights violations in 1988, notably in killing elderly women suspected of witchcraft.

Tanzania is one of the world's poorest countries. Its population of 23 million, growing at a high rate between 3.3 and 3.6 percent per year, has an annual per capita gross domestic product of approximately $240. In 1986 the Government instituted a 3-year Economic Recovery Program (ERP), which involved a new agreement with the International Monetary Fund (IMF), increased prices paid to farmers for their crops, rescheduled foreign debt payments, and increased donor support, particularly from the World Bank. This reform effort stimulated growth rates of 3.4 percent in 1986, 3.8 percent in 1987, and an estimated 4 percent in 1988. In 1988 donors announced continued support for the ERP but largely linked new assistance to a follow-on agreement with the IMF.

In 1988 a bill of rights, which had been added to the national Constitution in 1985, went into effect. It provides, inter alia, for freedom of movement, speech, religion, and association. Despite this progress, the Government in practice still severely restricts these rights, and it also tightly circumscribes all political activity outside the one party. Two persons who were detained in October 1966 for founding a second political party remained in internal exile at the end of the year. Political and religious tensions surfaced in Zanzibar in 1988. Two persons were killed in May when island security forces tried to control a large Muslim demonstration. This demonstration had been touched off by the call of the chairperson of the Union of Tanzanian Women for changes in Islamic law to permit increased rights for women.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

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b. Disappearance

There were no reported cases of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Tanzanian Government opposes torture as a matter of policy, but it is occasionally used on an unauthorized basis by police and prison authorities, mainly in the form of beatings. This occurs typically either at the time of apprehension, when a suspect is first taken to a police station, or during the subsequent criminal investigation. Police have shot and killed fleeing suspects. The use of such force has been severely criticized by the government press, and police officials have been sentenced to lengthy terms of imprisonment for abuses of suspects and prisoners. Nevertheless, police brutality remains prevalent.

Tanzania's prisons are generally unsanitary, and in 1988 there were reports of prisoners dying from preventable diseases in prisons in the north. Appalling prison conditions are more a function of Tanzania's considerable poverty than a deliberate government policy to subject prisoners to inhumane conditions.

d. Arbitrary Arrest, Detention, or Exile

The 1985 amendments to the Criminal Procedure Code, requiring that a person arrested for a crime, other than a security charge under the Preventive Detention Act, be charged before a magistrate within 24 hours, raised public consciousness concerning legal rights at the time of arrest. However, the new Criminal Procedure Code amendments also restricted the right to bail, reduced the number of bailable offenses, limited judges' discretion in granting bail, and imposed strict conditions on freedom of movement and association when bail is granted. The legal community in Zanzibar believes that the amendments to the Criminal Procedure Code do not apply to Zanzibar, and Zanzibar retains the old, less restrictive system of the right to bail in all cases except murder and treason. Zanzibar has a different and autonomous legal system, and only in the Court of Appeals is there a link to the Tanzanian court system.

The Preventive Detention Act allows, upon a written order from the President, the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. In 1985 the Act was amended to require that detainees be released within 15 days of their detention or informed of the reason for their detention. In addition, a detainee is allowed to challenge the grounds for his detention at 90-day intervals.

In July 1987, two persons who had been detained under the Preventive Detention Act for advocating a multiparty system in October 1986 were sent into "internal exile" on remote islands. These cases of "internal exile" were the first reported long-term detentions under President Mwinyi and were carried out under the Deportation Ordinance, which allows citizens to be restricted to specific areas for security reasons.

In May, after a large, noisy demonstration in Zanzibar town that resulted in two deaths, a number of demonstrators (estimates exceed 100) were detained, including a journalist.

Most were quickly released, but some were detained for up to 1 month (see Section 5).

The Economic and Organized Crime Control Act of 1984, which replaced the Economic Sabotage Act of 1983, was modified in 1986 to allow bail, representation by attorneys, and appeal for persons accused of economic crimes. The Act is still used in some major drug and corruption cases. Only the High Court has jurisdiction. Arrests continue, but because these cases are heard in special sessions within the court system, it is difficult to determine the number of arrests for economic crimes in 1988.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Tanzania's legal system is based on the British model, with modifications to accommodate customary and Islamic law in civil cases. Criminal trials are open to the public and the press. The court must give its reasons on the record for holding proceedings in camera. Criminal defendants have the right of appeal. Military courts do not try civilians, and there are no security courts. Defendants in civil and military courts may appeal decisions to the High Court. Lower court magistrates are appointed by the Chief Justice of the Court of Appeals on the recommendations of two judicial service commissions. Judges of the High Court and the Court of Appeals are appointed by the President after consultation with the Chief Justice.

While an independent judiciary is constitutionally mandated, and in practice operates independently from the executive branch, the Government exerts influence over the judiciary in some cases. Members of the legal community, including judicial officers, have complained that the legal system is being corrupted through bribery. Police and lower court officials are often bribed to delay the process of investigation and trials. Although the 1985 amendments to the Criminal Procedure Code were supposed to lessen court congestion, in 1988 an average case still took from 2 to 3 years to come to trial. In 1988 the Ministry of Justice was preparing a new law which would reduce the number of witnesses who must be called to testify in trials. The Chief Justice was quoted as saying this law would be an effort to reduce the time required to hear cases and reduce expenses for calling unnecessary witnesses.

The Government provides legal counsel to those charged with treason and murder. In Dar es Salaam, the Legal Aid Committee of the Tanganyika Law Society and the Legal Aid Committee of the Faculty of Law at the University of Dar es Salaam offer legal services to indigents, but their resources are limited. Under the Detention Act of 1983, political prisoners have the right to be represented by a defense attorney.

Under the 1984 Zanzibar Constitution, the people's courts, which did not provide defendants the right of legal representation, were abolished. Zanzibar's court system now parallels the mainland's legal system, but retains Islamic courts to handle Muslim family cases such as divorce, child custody, and inheritance. Cases concerning Zanzibar constitutional issues are heard only in Zanzibar's courts. All other cases may be appealed to the Court of Appeals of the United Republic of Tanzania.

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The Government insists there are no political prisoners, although the two persons sent into "internal exile" for advocating a multiparty system could be regarded as political prisoners.

Mob justice sometimes occurs in both cities and rural areas, and, in 1988, mobs killed suspected bandits and maimed others. The Sungu Sungu and Wasalama, traditional defense groups in the wide-open spaces of north central Tanzania, were encouraged by both government and party officials to help eliminate cattle rustling in areas too remote for the police. These vigilante groups often execute alleged rustlers; they also turn on villagers accused of witchcraft. Both the Government and the party have sent officials to the region to instill discipline, but these efforts are not likely to succeed as long as a regular police presence is beyond government resources.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although party membership is voluntary, the Government uses the party structure to intervene in the private lives of its citizens. The Chama Cha Mapinduzi has party cadres at all levels of society. Individual cells vary in size from single family homes to large apartment buildings, and may contain from 10 to several hundred persons. Unpaid "10-cell" leaders are the party officials responsible for resolving problems at the grassroots level and reporting any suspicious behavior or event within their neighborhoods to authorities.

Various ordinances allow the removal of undesirable or destitute persons from one area to their prior place of residence or origin if no work is found for them.

Correspondence is monitored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for under the Constitution but is limited in practice. Tanzanian citizens show few inhibitions about criticizing the political system in private conversations but are cautious in public statements. The mainland Government owns the only English-language daily newspaper, the national press agency, and the mainland radio facility. The Zanzibar Government operates radio and television stations. The Swahili-language newspaper, which has a daily circulation of 100,000, is owned by the party. The Newspaper Act, which allows government seizure of any publication without a warrant and withdrawal of the license to publish at any time, makes the launching of a private newspaper or magazine difficult. Despite this obstacle, a new, privately owned business weekly newspaper was launched in November. There is a bi-weekly Catholic newspaper with a circulation of 120,000 which covers largely religious news. Two new privately published magazines appeared in 1988. One focuses on women's issues.

The official media, as organs of the State, purvey party and government propaganda and usually present the Government's point of view on important policy matters. They do not criticize the premises of the Government's domestic or foreign policies. The Government encourages the media to publish articles and letters to the editor criticizing corruption,

mismanagement, and "economic sabotage" in the government ministries and state-owned corporations. In the wake of the May demonstrations on Zanzibar, a local correspondent for the British Broadcasting Corporation was one of the persons detained. Subsequently, the Zanzibar Government proposed new restrictions on the press in September which would allow the President of Zanzibar to prohibit the importation of any publication considered inimical to the interests of the people of Zanzibar.

Visiting foreign reporters are required to register with the Government and obtain a government permit. They are then allowed considerable freedom, including access to government and party leaders. However, permits and visas can be difficult to obtain, frequently only after official intervention at a high level. A non-Tanzanian resident who tried to report on Tanzania worked for Reuters for 6 months in Dar es Salaam before the Government refused to renew his visa in early 1988.

Academic freedom is officially guaranteed, but in practice most academicians, relying on the government-run educational system for their livelihood, limit their exploration of sensitive subjects. Under the Films and Stage Plays Act, films may be censored. The importation of foreign publications is not prohibited on the mainland, but it is limited by the acute shortage of foreign exchange.

b. Freedom of Peaceful Assembly and Association

Given the nature of Tanzania's one-party system, the freedoms of public assembly and association are limited. Permits must be obtained through the Government for any public meeting, political or otherwise. Student organizations are party controlled, and students are inhibited from public criticism by concern that their future employment prospects may be jeopardized. A number of professional business, legal, and medical associations exist, but they are careful to concentrate on nonpolitical topics. Under the societies ordinance, all associations must be registered with and approved by the Ministry of Home Affairs. Candidates for office in major sports clubs and cooperatives are screened by the appropriate government ministry, which also supervises their elections. No organizations which would compete with party organizations are approved.

For a discussion of freedom of association as it applies to labor unions, see section 6.a.

c. Freedom of Religion

The population of the mainland is roughly 35 percent Christian, 30 percent Muslim, and 35 percent adherents of traditional religions. Zanzibar is overwhelmingly Muslim. Freedom of religion is provided for in the Constitution and respected in practice throughout the country, although the Jehovah's Witnesses were banned for several years. Missionaries are allowed to enter the country freely to proselytize, including in Zanzibar, but Iranian-backed Muslim proselytizers have been forced to desist from an anti-Christian campaign started in 1987. Tanzanians are allowed to go abroad for pilgrimage and other religious purposes. In contrast to Zanzibar, there appear to be no social or political advantages or disadvantages attached to membership in any given faith on the mainland. The May riot

on Zanzibar pointed to political and religious tensions within the country, including over the rights of women.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Apart from the Zanzibari requirement for documentation for travel between Zanzibar and the mainland, short-term travel generally is not restricted within Tanzania, but citizens must follow national employment directives stipulating the nature of employment and location of residence. For years city dwellers unable to show proof of employment during police checks have been forced to return to rural areas in an effort by the Government to control increasing pressure on urban resources and reverse declining levels of agricultural production. The Human Resources Deployment Act of 1983 requires local governments to ensure that every resident within their areas of jurisdiction engages in productive or other lawful employment. Those not so employed are subject to transfer to another area where employment is available. The Government remains concerned with the continuing migration of young people to the cities rather than working in agriculture in the rural areas. However, in contrast to earlier years, there were no massive roundups of unemployed urban youths under the Act in 1988.

Passports are required for foreign travel and can be difficult to obtain. Tax clearances and approval from the Central Bank are required in order to buy airline tickets. The Foreign Exchange Act prohibits taking foreign currency out of the country (although allowed on Zanzibar for business purposes), and those accused under the Act must surrender their passports. In practice, those planning to travel or emigrate are subject to intense scrutiny by police and tax authorities. Tanzanians who leave the country without authorization are subject to prosecution on their return. In 1988 Tanzanian immigration authorities continued their increased border post surveillance and their requirement that all citizens departing Tanzania present travel documents detailing the purpose of their journey. This requirement was aimed at the large number of unemployed youths who leave the country illegally. To discourage stowaways, the Government tightened passport requirements for youths, compiled a public list of stowaways, and imposed fines, jail sentences, and the costs of repatriationon those who returned. The Extraterritorial Jurisdiction Act empowers the courts to try Tanzanians who commit offenses outside the country. Although it is legally possible for citizenship to be revoked, there have been no reports that this has been done in recent years.

In late 1986, Parliament passed a bill for the registration and identification of persons resident in Tanzania. The purpose of the bill was to ensure the rights of citizens over noncitizens and to help the Government obtain reports on citizens outside the country. The bill required registration of everyone over the age of 10 who resides in Tanzania and appears to be an attempt to control foreign businessmen.

Tanzania generally has a liberal policy towards refugees and displaced persons. As of January 1988, there were about 266,000 refugees and displaced persons in Tanzania as compared to the 220,000 estimated by the end of 1986. The new figure is a result of an influx of about 72,000 refugees from Mozambique and a downward revision of the previous total following a mid-1987 census.

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Tanzania accepts refugees from almost all countries. Only South Africans who have left their liberation movements and Kenyans associated with the opposition in Kenya are required to find resettlement elsewhere. The United Nations High Commissioner for Refugees is presently attempting to resettle 48 South Africans and 19 Kenyans who have not been granted asylum in Tanzania. Some of the South African refugees have been seeking resettlement for as long as 7 years.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political activity is forbidden except within the one legal party, the CCM. Therefore, as a practical matter, the Tanzanian people cannot remove the party in power or change the one-party system. Ex-President Julius Nyerere continues to direct the affairs of the party through its Central Committee. There are no overt opposition groups. Two advocates of a multiparty system who distributed leaflets on the subject were detained in October 1986 under the Preventive Detention Act, and they remain in internal exile.

All candidates for Parliament must be party members. When the party strips a Member of Parliament of party membership, the member loses his or her seat in Parliament. This happened in 1988 to seven prominent Zanzibaris, including former Zanzibar Chief Minister Seif Shariff Hamad, who were members of Zanzibar's House of Representatives (see below).

In 1985, under the amended Constitution, voters were allowed to choose between two party-selected candidates for 75 percent, or 169, of the 244 seats in the Union Parliament. The remaining 25 percent are composed of members appointed by the Government and the various mass organizations associated with the party. The one-party system does not permit political participation through the open nomination of multiple candidates. Voters register dissatisfaction by voting incumbent Members of Parliament out of office. While membership in the party is voluntary, overzealous CCM functionaries have been known to require proof of membership for the receipt of basic government services or employment. This practice has been publicly deplored by Nyerere.

Zanzibar has its own House of Representatives, and the majority of the members were directly elected from a party-selected slate for the first time in 1985. Under the Constitution, the House of Representatives consists of 50 elected members, 10 members nominated by the President of Zanzibar, 5 regional commissioners, 5 seats reserved for women, and 5 representatives from the party's mass organizations.

There was considerable political and religious tension within Zanzibar in 1988. Zanzibari President Idris Abdul Wakil dismissed Chief Minister Seif Shariff Hamad in January and took control of the militia. He claimed that there was a plot to overthrow his Government, dissolve the union of Zanzibar with the mainland, and return Zanzibar and its sister island, Pemba, to Arab rule. Following the large demonstration in Zanzibar on May 13, in which security forces killed two persons and injured dozens, the National Executive Committee of the CCM expelled the seven prominent Zanzibaris and accused them of disrupting the union between Tanzania and the twin islands of Zanzibar and Pemba.

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Women are encouraged to take an active role in politics. The Government has appointed women to 20 percent of the membership of village councils. There are 2 female cabinet ministers and there is 1 woman on the 20-member Central Committee of the party. The Constitution reserves 15 seats in the Union Parliament for women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government resents enquiries concerning human rights abuses. The Director of Public Prosecutions responded to Amnesty International's (AI) 1987 inquiry about two prisoners in detention, although AI reported that the information proved incorrect. There were no outside investigations of human rights violations in Tanzania in 1988. There is an AI chapter in Tanzania, and the local legal aid committee is concerned with human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Official government policy is one of promoting equal rights for all citizens. The African population (over 22 million) consists of more than 130 ethnic groups, of which only the Sukuma has more than 1 million members. All ethnic groups have their own language, but the national language is Kiswahili, a Bantu-based tongue with strong Arabic influences.

Attention has been drawn to the plight of the indigenous people who live in the north of the country around Lake Eyasi. Traditional hunters and gatherers, the Hadzabe population has been reduced from 2,000 to 250 in the last few years owing to the lack of food, water, and shelter. Similarly, the Barabeig, who are pastoralists from the same region, have been forced out as their grazing land was turned into huge wheat farms. They are migrating south under pressure and beginning to collide with the resident population of the Mbeya region. Although the Government is studying these problems, it has no plans to reverse the impending extinction of the Hadzabe, known as the "forgotten people of Lake Eyasi." The question of the Barabeig in Mbeya was raised in Parliament in July.

The Asian community has declined by 50 percent in the past decade to about 40,000 (plus 4,000 on Zanzibar). It is both culturally and economically exclusive, a business-oriented minority in a society committed to Socialist policies. Its future in Tanzania is uncertain, but Asian entrepreneurs are being encouraged to invest in areas previously reserved for the public sector, including large-scale agriculture.

The Government has made progress in its efforts to ensure equality for women, especially in urban areas where traditional values have a weaker hold on the population. The Marriage Act provides that women's domestic services are a marital asset to be considered in divorce settlements. However, in practice women are seriously limited by tradition and social attitudes, even among the educated. For example, female students at the University of Dar es Salaam are subjected to the "punch," written signs posted by male students which humiliate and degrade women who refuse their sexual advances or otherwise act too independently. For most of Tanzania's ethnic groups, women's role has been and remains that of mother and field laborer, and women are discriminated against in educational

opportunities and still underrepresented in government, the professions, and in skilled occupations. Social limitations on the roles women play are generally more pervasive on Zanzibar than on the mainland. Women in many parts of the country continue to suffer from discriminatory restrictions on inheritance and ownership of property because of concessions to customary and Islamic law. Although the practice is declining, female circumcision is still performed within approximately 20 of the country's 120 mainland ethnic groups.

The Union of Tanzanian Women (UTW), a wing of the party, is dedicated to the eradication of inequality for women in all spheres of society. A major Muslim demonstration on Zanzibar occurred on May 13, after Sofia Kawawa, chairperson of the UTW, publicly suggested that Islamic laws on polygamy and inheritance should be amended to provide women with equal rights.

Section 6 Worker Rights

a. The Right of Association

The right of association is limited to one labor union organization, Juwata, which is an organ of the party. In Tanzania's single-union system, all unions must belong to Juwata, and no independent unions are legally recognized. All businesses and government offices with more than a few employees are required to have a Juwata chapter. Juwata represents about 60 percent of the workers in industry and government, but it has limited influence on labor policy. Tanzanian workers are not required to join Juwata.

While it has never done so, Juwata can call for a closed shop in any industry where 50 percent of the workers or more are Juwata members. The union does collect dues from all workers--members or not--when the employer agrees. This is the case now for government employees and workers in most state-owned corporations.

Tanzanian workers have the right to strike, and strikes do occur. There is a process of appeals in labor disputes that leads finally to the Permanent Labor Tribunal, which receives direction from the Minister for Labor and Manpower Development. If the union is not satisfied with the Tribunal's decision, a strike is then legal. The employees of the state-owned Tanzania- Zambia Highway Corporation went on strike in early 1988 after following this process.

While Juwata is still a party organ, it has developed a degree of independence in the last 2 years. Previously, the Secretary General of the union was selected by the party. In 1988 Juwata began a new process of membership elections of leaders from the grassroots level, and a new Secretary-General will be elected by the members in May 1989. As a matter of policy, Juwata participates in meetings of the International Labor Organization (ILO), to which Tanzania belongs, and limits its international affiliations to regional organizations, such as the Organization of African Trade Union Unity and the newly formed East African National Trade Unions Consultative Council. The trend towards greater independence from the Government is reflected in Juwata's new positive relationship with the American Federation of Labor/Congress of Industrial Organizations's African-American Labor Center.

TANZANIA

b. The Right to Organize and Bargain Collectively

Collective bargaining is limited to the private sector. Wages for government employees are set by the Government, and Juwata does not bargain collectively on behalf of government employees. At the local level, Juwata promotes employee welfare by filing grievances against employers, usually involving pay disputes. The practical limitations on the right to bargain collectively are reflections of Juwata's situation as the organ of the party in a one-party state. These same limitations apply to the question of the Government's role in union affairs. Union rights are incorporated into law--specifically the Security of Employment Act. The law is enforced, but the line between the Government and the government union can be difficult to discern. Grievances which cannot be settled in the workplace are taken to the Permanent Labor Tribunal. The ILO Committee of Experts has observed that the current provisions requiring the Permanent Labor Tribunal to approve collective agreements are not in conformity with ILO Convention 98. The Committee has noted that "the information supplied by the Government reveals that the collective bargaining process has been improved in practice" and that the Government has stated its readiness to revise these provisions. Labor laws are applied uniformly throughout the country. There are no export processing zones in Tanzania.

c. Prohibition of Forced or Compulsory Labor

For a number of years the ILO Committee of Experts has observed that provisions of various Tanzanian laws (i.e., Local Government--District Authorities--Act, 1982; Employment Ordinance; Human Resources Deployment Act, 1983; Ward Development Committees Act, 1969; Resettlement of Offenders Act, 1969; Newspaper Act, 1976; Penal Code; Merchant Shipping Act, 1967; and Permanent Labour Tribunal Act, 1967) are incompatible with ILO Conventions 29 or 105 on forced labor. The Human Resources Deployment Act, for example, requires every local government authority to insure that able-bodied persons over 15 years of age engage in productive or other lawful employment. In the past, this has led to massive police sweeps in Dar es Salaam's streets to round up persons who had no evidence of employment. The legislation has been interpreted more leniently recently (street vendors are now regarded as "gainfully employed"), and there were no massive roundups of urban unemployed in 1988. The Committee of Experts has called on the Government to amend the laws described above so as to bring them into conformity with the ILO conventions; but, despite the Government's expressions of good intent, this has not yet been accomplished.

d. Minimum Age for Employment of Children

Section 77 of the Employment Ordinance prohibits children under the age of 15 from working. This provision applies only to the formal wage sector in both urban and rural areas and not to children working on family farms or herding domestic livestock. A young person between the ages of 15 and 18 may be employed provided the work is safe and not injurious to health, and young people are not allowed to work between 6 p.m. and 6 a.m.

TANZANIA

e. Acceptable Conditions of Work

Tanzanian workers work a 40-hour, 6-day week. In general, women cannot be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace, including the Factories Ordinance, the Accidental and Occupational Diseases Notification Ordinance, and the Workmen's Compensation Ordinance. In 1986 the ILO and the Ministry of Labor and Manpower Development completed a project establishing an occupational health and safety factory inspection system. Employers in Tanzania are required to have liability insurance. According to Juwata, inspections are made and safety regulations are enforced.

The minimum wage for government workers on the mainland was raised to $16.33 a month in the July budget presentation. Juwata then negotiated with the Association of Tanzania Employers and obtained a similar monthly minimum wage for nongovernment employees. This amount is not sufficient for a worker to sustain an adequate standard of living. Housing and transport allowances, food subsidies, and other benefits help, but government salaries at all levels are very low. Current economic conditions, a large civil service, and a government very short of resources all militate against a sharp rise in the minimum wage. There is no legal discrimination in wages on the basis of sex, but in practice discrimination occurs. Enforcement of these laws and regulations can be erratic in a society where corruption has become a major problem and the functioning of government machinery is flawed. The vast majority of Tanzanians are subsistence farmers and are not affected by current government labor regulations and safeguards.

TOGO

President Gnassingbe Eyadema has maintained firm control and molded Togo into an authoritarian, one-party state since seizing power in a military coup in 1967. In addition to serving as Head of Government, President Eyadema is Minister of Defense and Chief of Staff of the Armed Forces and head of the only legal political party, the Rassemblement Du Peuple Togolais (RPT). While all Togolese are considered members of the RPT and are obligated to vote, only active party members can gain political office. The Eyadema Government rules by decrees and ordinances and considers its legal authority to be based on the Constitution of 1979 which was formally adopted by referendum. This Constitution provided for a National Assembly, which serves primarily as a consultative body. One-candidate presidential elections held every 7 years have confirmed a continuation of President Eyadema's rule. The President dominates all branches and functions of government.

The Government's authority is reinforced through tight control over the organs of state security, the military, the National Police (Surete), and the Special Police (Gendarmerie). All these organs have internal security responsibilities.

Approximately 80 percent of Togo's 3 million people are involved in subsistence agriculture. The country's economic prospects improved in 1988. As in 1987, excellent rains in 1988 produced an abundant harvest in the south, but floods followed by drought have created a food shortage in the north. Foreign exchange earnings were still down due to low world prices for Togo's major exports, e.g., phosphates and cocoa. However, overall government revenues were up following Togo's successful conclusion of agreements with the International Monetary Fund (IMF) and the donor community. In addition, the Government's reform program has been taking effect, notably in introducing new fiscal policies aimed at regulating expenditures and ensuring a balanced budget for the first time in several years.

Although human rights in Togo continued to be circumscribed, the Government in 1988 instituted a series of positive measures which increased public awareness of human rights. The independent Togolese Human Rights Commission, which was established in late 1987, was officially activated in February in a highly publicized conference presided over by President Eyadema. The President publicly declared his support for the Commission and its task and warned that the human rights abuses which exist in Togo must stop. With this high-level support, the Commission successfully started investigating individual cases and conducted a campaign throughout Togo to educate Togolese about their rights and the legal limitations on officials' powers. In April Togo hosted a United Nations-sponsored seminar on human rights in Africa. The conference was followed by a training seminar in Lome for Togolese security officials to sensitize them to human rights concerns and abuses.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

There is no specific Togolese law prohibiting torture, and in the past beating of male detainees was routine police procedure. With the intensive human rights campaign in 1988, however, members of the Togolese Human Rights Commission and attorneys report that the level of such treatment has dramatically decreased. Conditions have improved for persons held in civilian detention centers though less for persons detained in military prisons or the gendarmerie camp in Lome.

Prison conditions are harsh. The prisons lack proper lighting, ventilation, and sanitation, and are seriously inadequate in food and medical care. Prison administration has generally been neglected. The situation commanded public attention in July when the prisoners in Lome's prison rioted to protest newly issued regulations limiting their sick leave. (The Prefect of Lome was relieved of his post by the President because he had ignored the signs of prison unrest.)

Prisoners in civilian prisons are permitted family visits, since it is the family which usually has to assume responsibility for providing much of the prisoner's food, clothing, and linen. About 18 percent of the prison population is foreign (mostly Ghanaians and Nigerians), and those foreign prisoners who have no family members in Togo to supply extra food often suffer from severe malnutrition.

In late 1987, the International Committee of the Red Cross (ICRC) was permitted to visit all civilian prisons of Togo and was invited by the Government to return at its initiative. During these visits the ICRC members were allowed unrestricted access to civilian facilities and prisoners. Military prisons to date have remained closed to inspections as only military and paramilitary personnel are granted access to these facilities.

d. Arbitrary Arrest, Detention, and Exile

The President restored in 1987 the 48-hour limit on the length of time a person may be held incommunicado without charge, with an additional 48-hour extension if the case is deemed serious or complex. Most arrests and detentions in 1988 followed this 48-hour charge requirement.

However, persons accused of "political crimes," such as defaming the Government or person of the President, can be arrested and detained without regard to prescribed legal limitations, including the 48-hour charge regulation. Such persons have been routinely charged as "administrative detainees," a status which does not permit recourse to normal legal remedies.

In practice, a substantial number of prisoners, both political and nonpolitical, are held for long periods of time--in some cases 6 months or more--before being brought to trial, owing to a shortage of judicial personnel and lack of enforcement of judicial procedures. Sometimes these long detentions are by design and sometimes through administrative negligence. One such case involved a Burkina Faso citizen whose file was lost

by the prison. (When the case was brought to the personal attention of the President, the prisoner was released.) A detainee's right to counsel is not guaranteed but depends on the status of the person and the level of political interest in the case.

Prefects have the authority to order detention at will, although they sometimes have been removed for abusing this authority. The power to arrest in cases involving national security is arbitrary and practically unlimited. In such suspected cases, any permanent officer of the Gendarmerie may arrest and temporarily detain any person without seeking prior approval or submitting a subsequent report. The Gendarmerie holds some persons outside the structure of the judicial process.

Persons arrested and detained by the military are processed through the military judicial system.

While there are no precise figures available, there were several persons in detention at the end of 1988 categorized as "administrative detainees" whose "crimes" were "disrespect" toward the Chief of State or the Government. With the increasingly active role of the Togolese Human Rights Commission, however, even political detainees now have the possibility of bringing their cases before the Commission.

The number of Togolese political exiles is unknown. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There is an established judicial hierarchy for routine criminal and civil cases from traditional (African) to codified (French) practice. At the lowest level, the village chief or council of elders can hear criminal and civil cases by taking testimony, listening to evidence, interviewing all parties, and making a decision. Those who do not accept the traditional ruling can take their cases to the codified judicial system. Cases can also be taken directly to the regular courts. The Supreme Court stands at the apex of the court system.

In Togo's statutory judicial system the investigative (pretrial) process is undertaken by a special judge who must examine the adequacy of the evidence for trial and decide on bail. Due to an insufficient number of judges, this process is often protracted, with many months elapsing before the case actually comes to trial. Crowded court dockets, in turn, cause further delays. Trials, however, are public, and judicial procedures are followed. Defendants have the right to counsel, but only in potential capital punishment cases will the Government appoint counsel if the accused is unable to afford it. Special courts exist to handle cases related to public security (State Security Court), embezzlement of public funds (Tribunal for Recovery of Public Funds), and violent crimes (Court of Assizes). Amnesty International has asked the Togolese Government to institute a right of appeal to a higher court for those convicted by the State Security Court. Trials in this Court are held in camera, but this Court has been inactive for over 2 years.

Persons who embezzle money in large sums are generally not released from jail, even after serving their sentence, until the money is repaid (about 80 such persons are currently in

prison). Family members (usually spouses) are sometimes held in lieu of a suspect who cannot be found or who flees.

Togo's judicial system is not independent of the executive, as the President can and does intervene in cases of interest. There is also evidence of executive intervention in judicial proceedings to determine sentences.

The number of political prisoners is not known. However, 17 persons (10 condemned to death and 7 to life imprisonment) remained in prison at the end of 1988 for their participation in the September 1986 coup attempt against the Government. Exile groups in Ghana opposed to the Government of Togo claim that many political prisoners are held in Togolese jails.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Mail is routinely opened, and telephone conversations are frequently monitored. The Government also maintains an extensive network of informants which permeates all sections of Togolese society to keep check on actual or perceived opponents. Religious publications of the Jehovah's Witnesses often disappear in the mail. In routine criminal or civil cases, searches of private residences are authorized in advance by a judge or senior police official. In cases involving national security concerns, searches take place without prior authorization. While all Togolese are automatically members of Togo's sole political party and are required to vote, no one is forced to take an active party role.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While freedom of speech is restricted, some easing of controls took place in 1988. Direct and open criticism of the Government, and especially of the President, is perceived as serious antigovernment activity and is not tolerated. However, in line with the human rights campaign, official abuses and general complaints are now aired in public forums with the President's support. Because of the less restrictive atmosphere, academicians and professionals have been more open about airing their political views in public.

The Government owns, operates, and controls all sectors of the media, which it uses as a means for projecting a positive self-image and maintaining public support. Publication or circulation of any material criticizing or questioning government policies is not permitted. Cases of gross governmental malfeasance are not, however, immune from media scrutiny. This has been true of the unraveling and final disposition of the financial scandal involving officers of Togo's agricultural bank. While the media has provided fairly complete coverage, no mention has been made of the alleged involvement of several military officers.

There is government censorship of all films, books, plays, and other writings published in Togo. Intellectuals are aware that they must exercise careful self-censorship or else risk possible imprisonment, exile, or having their works banned. Some bookstores, however, sell a wide range of books, including those containing veiled criticism of the system of government. Foreign publications are offered for sale openly

in bookstores, and only rarely have individual issues (those which are harshly critical of Togo) been withdrawn by the censors.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is strictly controlled in Togo. Government approval must be obtained before any large group can meet. This process is an effective means for preventing any antigovernment groups from meeting. Government permission for nonpolitical events is given routinely and expeditiously. Professional groups which do not undertake political activities are free to hold meetings.

c. Freedom of Religion

With a few exceptions, the Government promotes a climate of openness for religious freedom. Although all religious groups must have government authorization to operate, only the Jehovah's Witnesses and the Apostolic Faith Mission are currently proscribed by name. They are not allowed to conduct services, proselytize, or otherwise carry out religious activities, although there are no known legal penalties for being a member of either group. The Jehovah's Witnesses continue to have members in Togo.

All religious groups must qualify under one of seven broad categories specified by the Ministry of Interior to be officially sanctioned. Qualifying groups are not restricted in their religious practices. They are free to publish religious material, conduct services, and teach their faith. Non-Togolese clergy of these religious groups are welcome to reside in Togo, proselytize, and engage in other religious activities. Local religious groups are free to maintain contacts with coreligionists in other countries, and no restrictions exist on travel for religious purposes. The Government does not favor any specific religion, and membership in any authorized religious group is neither a benefit nor a hindrance in civil service promotions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Free movement, including domestic and foreign travel, emigration, and the right to change residence or work place, is generally allowed. However, the Government restricts the issuance of passports in order to control the emigration of professional Togolese and also to keep known political dissidents under close scrutiny. Exit visas are required. The Government maintains customs and security checkpoints throughout the country on all major routes. Except for the few political exiles, Togolese who have chosen to reside in other countries may return at will.

Togo has traditionally welcomed refugees, and the United Nations High Commissioner for Refugees (UNHCR) recognizes some 500 refugees in Togo. During 1988 there were renewed allegations that the Government occasionally forcibly repatriates refugees to neighboring countries in return for those countries returning dissident Togolese. There have also been reports that some refugees avoid registering with UNHCR to preclude their Government's receiving information about their whereabouts.

TOGO

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In the one-party state created by President Eyadema, all citizens are automatically party members but are unable to change by democratic means the one-party political system or the government in power. While active party members may debate minor issues at party meetings or even raise complaints against local officials, no challenges are permitted to the President's programs. Presidential elections were held in 1986, the second since 1979. President Eyadema was again the only candidate and was elected for another 7-year term with 99.7 percent of the votes cast.

A National Assembly, created pursuant to the 1979 Constitution, has 77 members but does not have the power to reject laws proposed by the executive. It is limited to debating certain categories of proposed legislation. In the 1985 National Assembly elections and in elections held in January 1987 for municipal and prefectural councils, multiple candidates from the official party were permitted to run, but each candidate had to obtain party authorization and submit campaign literature for approval.

Ethnic and religious groups are represented in the National Assembly in approximate proportion to their actual numbers in the country, and the Central Committee of the party has a fair north-south balance. Women, however, are seriously underrepresented, there being none in the Cabinet and only 3 in the 77-member National Assembly. The 46-member party Central Committee has 10 women members.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

In October 1987, Togo formally inaugurated a National Human Rights Commission (NCHR) composed of 13 members, one each elected by 13 private and public bodies, e.g., the bar association, judges, doctors, teachers, trade unions. The Commission is authorized by law to receive complaints from any Togolese citizen or foreign resident, to investigate, and to have access to government and police files. If a violation is found to exist, the Commission is also authorized to negotiate with the responsible governmental authority either to bring about rectification or to submit the case to the courts or to the President. Commission members enjoy immunity from arrest or prosecution during their term of office and for 1 year afterwards.

The Commission became active in February 1988 and received a number of cases to investigate, including petitions concerning arbitrary detentions, torture, attacks on religious freedom, and illegal withdrawal of documents. According to its first annual report, the NCHR reviewed 151 cases falling within its competence, and "ultimately kept 116 petitions which it considered of such a nature as to justify its advocacy of the victims before the Administration." The report noted that over half of the petitions involved arbitrary detentions, and that the NCHR had been successful in resolving a number of these cases, either by obtaining the release of persons from police custody or by ensuring transfer of the cases to the Prosecutor's Office. The President has played an active and supportive role, encouraging the Commission to take cases to whatever levels necessary for resolution.

TOGO

The Government has been active in recent years in participating in international forums, such as the United Nations Human Rights Commission. It has ratified the international covenants on human rights, the African Charter on Human and Peoples' Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights. The Government did not respond in 1988 to Amnesty International's requests for information.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is some discrimination in Togo in favor of northern ethnic groups over southerners. Prior to President Eyadema's seizure of power in 1967, political power was dominated by southern ethnic groups who also enjoyed economic and social privileges. Under President Eyadema, who is a northerner and a military man, the situation has changed considerably in the past 21 years, with northerners now forming the bulk of the military and security forces. At the same time, a serious effort has been made to integrate all ethnic groups into the political structure; ministers, prefects, assembly delegates, and labor and party officials are generally representative of Togo's ethnic distribution. Southerners, however, continue to predominate in senior civil service, technical, and professional jobs. There is no known discrimination on grounds of religion.

The economic and social rights of Togolese women are spelled out in the "family code" which was adopted in early 1980. Under this code, women's rights include maternity leave benefits. In the economic sphere, women dominate local market activities and commerce with Togo's neighbors and often amass considerable wealth. But formal equality under the law and economic power have not given women an effective role in political decisionmaking. Nor do they spell out economic or social equality for women. Unlike civil law, customary or traditional law gives all property to the male in the event of separation or divorce. Similarly, although women are legally allowed to acquire contraceptives and undertake family planning, custom and tradition prohibit women from access to contraception without the permission of their husbands or fathers.

Far fewer women than men receive university education, and the number of women graduates from secondary schools is low. In addition, the pensions of working women who die do not go to their families, unlike those of working men. Although working women pay into the pension fund in the same proportion as men, their children receive no funds in case of death, creating a special hardship for families with no father. Economic conditions in rural areas often leave women little time for anything other than carrying water, finding firewood, cooking, childbearing, caring for the family, and helping to raise food crops. The Government has undertaken a campaign to make women throughout Togo aware of their expanded opportunities under the new family code. A government-sponsored women's organization, the National Union of Togolese Women, is active in the promotion of women's education and welfare.

TOGO

Section 6 Worker Rights

a. The Right of Association

Although under the Togolese labor code all Togolese workers have the right to organize themselves, actual labor organizing is permitted only under the auspices of the National Confederation of Workers of Togo (CNTT), which under the direction of Togo's single political party unites various independent trade unions into one national labor organization. All wage earners are automatically members of the CNTT, and all pay dues via an automatic check-off system.

The CNTT is affiliated with the International Confederation of Free Trade Unions and sends delegates to International Labor Organization (ILO) conferences. The CNTT also maintains ties with the American Federation of Labor-Congress of Industrial Organizations. An affiliate of CNTT is a member of the International Federation of Commercial, Clerical, Technical and Professional Employees, which held its 21st world congress in Lome in August 1987.

Strikes are authorized only as a means of last resort but rarely, if ever, take place. The Government acts as arbitrator in cases where labor and management cannot settle a dispute. The few strikes which have occurred in the past have been short and ended as a result of government arbitration. The Government has not used coercion, force, or arrests to end strikes.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize outside the CNTT. The CNTT is not an independent union and basically conveys the Government's views and requirements to workers. It does have a role in the wage bargaining process and does on certain issues represent the workers' economic interests to the Government. It also takes the workers' side in disputes with employers (unless the employer is the Government). Labor legislation and practice is uniform throughout the country, including in the export processing zone near the Port of Lome.

c. Prohibition of Forced or Compulsory Labor

Prisoners are sometimes required to work, and there are occasional early morning mobilizations of the populations in larger towns and cities to clean streets and pick up trash.

d. Minimum Age for Employment of Children

Under the Togolese Labor Code, the employment of children under the age of 14 in any enterprise is prohibited. Some types of industrial and technical employment require a minimum age of 18. While this is generally enforced in urban employment, in rural areas even very young children traditionally help their families with agricultural work or animal husbandry.

e. Acceptable Conditions of Work

Labor practices in Togo are regulated by the Togolese Labor Code adopted in 1974. The Code stipulates that there should be equal pay for equal work regardless of sex. Working hours of all employees in any enterprise, except for agricultural enterprises, should not normally exceed 40 hours per week; at

least one period of 24 hours of rest per week is compulsory; and workers should receive 30 days of paid leave each year. The minimum wage in the agricultural sector is about 20 cents per hour, and in the nonagricultural sector about 25 cents per hour. The amounts are not sufficient for workers to maintain a decent standard of living, and minimum wage workers supplement their incomes through second jobs or through some subsistence farming. Enterprises must run a regular medical service for their employees.

Health and safety standards in the workplace are determined by a technical consulting committee at the Ministry of Labor and instituted by decrees. There are penalties for employers who do not meet the conditions of the decree. These provisions are believed to be respected by large state-owned and private enterprises but are probably ignored by many smaller firms and the large subsistence agricultural sector involving family units. Due to Togo's significant unemployment, few workers in the smaller firms where working conditions are poorest are willing to complain and risk losing their jobs.

UGANDA

In January 1986, Yoweri Museveni and the National Resistance Movement (NRM) emerged victorious from the long civil struggle against the previous Obote and Okello governments which had strong support from northern ethnic groups. Museveni abolished the parliamentary structure and established an interim, nonelected government pledged to give way within 4 years to an elected civilian government. In this interim, Museveni, backed by the military, exercises authority with the assistance of his appointed Cabinet and the National Resistance Council (NRC), composed of a cross-section of political, ethnic, and religious personalities. The 1967 Constitution remains technically in effect, but key provisions dealing with legislative and executive powers are suspended and political activity is not allowed, although parties still nominally exist. In 1988 there was debate in the NRC concerning future constitutional arrangements which culminated in the appointment of a Constitutional Commission at the end of the year to solicit public views and to draft a new constitution. Progress toward meeting the 4-year transition target has slowed in large part because the Government still faces guerrilla activity in the north and, to a lesser extent, in the east from remnants of armies loyal to the previous regimes.

The security structure of the Government is composed of the National Resistance Army (NRA) and the police. The NRA, a disciplined organization during its earlier days as a guerrilla organization, has absorbed soldiers from previous regimes and recruited others who did not share the NRA's goals before its assumption of power. Discipline and morale have dropped, most notably in the contested areas, where up to 30,000 troops are in the field. NRA soldiers and deserters have committed burglaries, automobile hijackings at gunpoint, and other crimes even in the uncontested areas of Kampala and West Nile. The Government punishes perpetrators when apprehended. The police force, which initially had been greatly reduced in size by the Museveni Government to eliminate opposition elements, had become, by the end of 1988, a large force of over 15,000 officers. Despite the augmentation of the police in size and authority, the army continues to perform many police tasks and will remain the main internal security force for the foreseeable future.

Museveni inherited a devastated economy, and initial NRM policies and continued civil conflict helped fuel inflation, which in 1988 remained stubbornly high (about 100 percent). Moreover, the decline in world coffee prices accentuated an acute shortage of foreign exchange needed to help finance imports and rehabilitate an infrastructure seriously damaged by years of civil war. In 1987 and 1988, the Government instituted economic reforms with the assistance of the International Monetary Fund and the World Bank. While the economy remained in serious difficulty in 1988, there were signs that it had begun to improve with a projected growth rate for the year of 4 to 5 percent.

Despite government efforts to address some human rights issues and to give human rights in Uganda a high public profile through the Commission of Inquiry into the abuses of previous regimes, disrespect for the rights of civilians by all parties to the military conflict in northern and eastern Uganda continued to be a major problem in 1988. As a result of the fighting, thousands of persons--some reports indicate as many as 100,000 again in 1988--have been displaced. There were

continuing reports of many civilian casualties, of homes and fields burned, of detention of civilians thought to be unsympathetic to the NRA, and of occasional torture of persons in NRA custody. The Government entered into serious peace negotiations with two of the main opposition groups in 1988 and signed a peace treaty with the commanders of the Uganda People's Democratic Army (UPDA), but splinter UPDA groups and other organizations continued to attack NRA troops at the end of 1988. Over 8,000 former guerrilla fighters took advantage of the Government's amnesty program, and hundreds of people in detention, primarily from the conflict areas, were released and returned home. The Government continued to be sensitive about press reports covering the activities of the armed rebels and allegations of NRA abuses, arresting a number of journalists in 1987-1988 on treason charges. In a positive move, the Government broadened the mandate of the Commission of Inquiry to cover current human rights abuses once the present inquiry concerning previous regimes is completed, but that is not expected for at least another year.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

While it is often difficult to distinguish between victims of the civil war and of political murder, there continued to be clear evidence of killing by both the NRA and opposition elements in Uganda in 1988. The NRA faced persistent fighting in the north and east from various opposition groups, and the 3-year war by some estimates has claimed the lives of over 10,000 persons. In the north, the NRA, under the leadership of Major General Salim Saleh, convinced commanders of the Uganda People's Democratic Army (UPDA) to agree to a cease-fire in June and, shortly thereafter, to sign a peace treaty. However, the UPDA leadership abroad refused to participate in the negotiations, and splinter UPDA groups continued to attack NRA troops at the end of 1988. Despite similar peace initiatives towards the Uganda People's Army (UPA), the NRA has been unsuccessful in concluding a peace agreement in the east. Remnants of Alice Lakwena's Holy Spirit Movement also harassed government troops in Gulu and Kitgum. Opposition forces continued to assassinate local authorities and members of the resistance committees, especially in eastern Uganda, and killed villagers or burned their granaries for their alleged support of the NRA. NRA troops have also treated villagers harshly. In a few documented cases, NRA soldiers and civilian mobs summarily executed alleged criminals.

Deputy Transport Minister Robert Ekinu, who had been captured while on a peace mission and held hostage for 8 months by the Uganda People's Army, was killed in early August when NRA troops attacked a UPA camp near the northeastern town of Soroti.

In August President Museveni addressed soldiers at Lubiri after receiving reports that 23 soldiers had broken into the prison to lynch a police officer arrested in connection with the death of an NRA officer. He stressed that soldiers are expected to obey all laws, and said that although the Uganda law may be too slow, the soldiers must be disciplined and not act outside the law. He promised judicial reform to improve the system. In July, at the invitation of the Government, the

International Committee of the Red Cross (ICRC) held a seminar for senior NRA officials on the laws of war, with emphasis on humanitarian law.

b. Disappearance

Reports of disappearance, common under previous regimes, have markedly declined under the NRM Government. However, despite requests by village elders and international organizations, the Government has not compiled or released a list of those held in detention, most of whom are prisoners taken in the fighting. Consequently, many families do not know what has happened to their relatives. The ICRC is active in tracing people for relatives in civilian and military facilities and has received government cooperation in specific cases. Still, the lack of an institutionalized process of identifying prisoners has seriously hampered efforts to account for "missing" persons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman treatment are not sanctioned by Ugandan law, but for many years extreme forms of torture took place at detention centers, particularly military barracks, where political prisoners were often held illegally. Human rights organizations, such as Amnesty International (AI), have alleged inhuman treatment and torture by the NRA, which has its own detention centers outside the jurisdiction of Ugandan law. The three-piece tie, a form of torture which entails tying a person's arms behind his back until the elbows meet, is still used, although President Museveni has said it is against official government policy. This painful procedure can lead to gangrenous infections of the hands and arms as well as rupture of the breastbone and asphyxiation. Other alleged abuses include scattered reports of rape of women and the use of both electric shock and dripping of melted plastic on the body as forms of torture. In October the Government arrested 6 members of the internal intelligence organization in connection with the death of a civilian in their custody. The Director of Intelligence Services said publicly that this should serve as an example to other officers who abused their powers, and the government newspaper applauded the arrests. At the end of the year, the 6 remained in prison. No formal charges have been filed.

Prison conditions are substandard with poor sanitary conditions, and lack of food, blankets, and medicine. Diseases such as typhoid, dysentery, and malaria are widespread. In civilian prisons, there are allegations that medicine intended for sick prisoners is sold outside the prison by prison officials. In mid-June, a government minister indicated that Luzira Prison held over 6,000 persons rather than 2,000 for which it was designed. (This was heatedly refuted by the Government.) The NRM Government has allowed the ICRC to visit civilian prisons throughout the country and has cooperated in improving conditions in response to ICRC suggestions. However, the Government did not allow the ICRC access to military prisons throughout the year, despite an agreement in December 1987 to allow such visits. Most of the persons taken prisoner in the fighting in the north and east are held in military prisons.

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d. Arbitrary Arrest, Detention, or Exile

A number of persons were subjected to arbitrary detention, both legal and extralegal, during 1988. Criminal suspects are often held without bail--though not incommunicado--for long periods of time while the Government investigates. Most political and security detentions take place outside the regular legal system, and such detainees usually are held in either military prisons or as "lodgers" in civilian prisons. There are an estimated 2,000 such detainees. A screening process for "lodgers" involving review by a screening committee, resistance councils, and district administrators, gained momentum in 1988. On October 6, 950 prisoners were released from Luzira and other prisons in Kampala, the majority as a result of the screening.

Children continued to be detained in 1988, with an estimated 150, aged 13 to 15, in Ugandan prisons. AI's 1988 report, which covers 1987, notes in particular the cases of Kenneth Oloya, aged 15, and his brother Bosco Okura, aged 14, who were arrested by soldiers in the north and detained without charge throughout 1987. They probably were among the 950 prisoners released in October 1988.

Military detainees, drawn mainly from Langi, Acholi, and Teso ethnic groups which inhabit the war-torn areas of the north and east, are suspected of being guerrilla fighters or sympathizers, and are not allowed to post bail. The amnesty offered in June 1987 officially ended in May 1988. Before the amnesty ended, some 8,500 former rebels from the UPDA, Holy Spirit, UPA, and 9th October Movement surrendered and were sent to a "rehabilitation camp" at Nabisojjo for a 1-year politicization program. The Government announced in October that most would be released, and that as many as 5,000 would join the army or police forces. In September President Museveni again appealed to all rebels to surrender.

Persons are detained in political and security cases under the Public Order and Security Act of 1967, which permits unlimited detention without charge. In 1988 no one was charged under this law, and human rights activist Lance Seera Muwanga, detained under this Act in February 1987, was released in March.

Charles Kagenda-Atwooki, a member of the Uganda People's Congress, was arrested after participating in a British Broadcasting Corporation broadcast and charged with possession of antigovernment documents. His trial was in session in December. In May Joel Walehwa was arrested and held incommunicado by security officials for 4 1/2 months for interrogation prior to being formally charged with treason in October. At year's end, a trial date had not been set.

Exile is not used as a means of political control. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The court system consists of magistrates courts, the High Court, and a Supreme Court. The Ugandan judicial system contains procedural safeguards modeled after British law, including the granting of bail and appeals to higher courts. Members of the legal profession are highly educated and generally respected. Persons accused, if brought to trial, are generally accorded a fair public trial, although the

process of justice is slow and laborious. The NRM in 1988 appointed a Permanent Secretary for Judiciary Administration to ease some of the burden on the chief registrar and resolve problems in judicial service.

There are no special courts for political or security cases. In December the National Resistance Council passed two bills that give the President wide-ranging power to declare a state of insurgency, authorizing the NRC to taken any measures "necessary" to deal with the situation. Special magistrates courts would be authorized in parts of the country declared "areas of insurgency" by the President. Under the bills, these courts would have the power to suspend certain civil liberties in the interests of speedy justice, and strict adherence to rules of evidence, including the presumption of innocence, would not be required. No section of the country has yet been declared to be in a state of insurgency.

In rural areas, the Government has given local Resistance Committees (RC's) authority to settle civil disputes, such as questions about land ownership or payment of bills at the local level. RC decisions may be appealed in the regular magistrates courts.

Military tribunals hear charges against soldiers, and any soldier accused of a capital offense must be assigned counsel. The accused do not choose their counsel, but are assigned a court-provided military attorney. Punishment is strict, and several NRA soldiers have been executed after being convicted by military tribunals. Those found guilty serve time in civilian prisons. There are frequent acquittals and appeals resulting in a reduction of sentence. In July the Army Council proposed that special courts be established to try all cases of armed banditry, including waging war on the Government or the public, and unlawful possession of arms. Captured rebels charged with treason were to be tried in these special courts. No action had been taken on this proposal by the end of the year.

In February two court-appointed assessors advised the presiding judge to return a verdict of "not guilty" in the long running treason trial case of former Commerce Minister Evaristo Nyanzi and six others. The assessors argued that the prosecution did not present its case according to judicial standards and did not prove guilt "beyond a reasonable doubt." In March the High Court acquitted Nyanzi and three persons, but found the three others guilty of treason and sentenced them to death. The lengthy trial, which began in September 1987, was open to the public and covered extensively in the press. Among those acquitted was Anthony Ssekweyama, editor-in-chief of the Democratic Party newspaper, The Citizen. Ssekweyama had also been detained several times under the Obote government. The Government appeared to attack the judicial independence demonstrated in this case when it rearrested one of the acquitted, an NRA soldier and former member of the Federated Democratic Movement of Uganda (FEDEMU), Major Mpiso, while he was leaving the High Court. He is now being held at Makindye military barracks on a charge of desertion.

In other important cases, in May former Minister of Environmental Protection and Chairman of FEDEMU David Lwanga, who was arrested in October 1986, was acquitted on charges of terrorism and illegal possession of a firearm. His case was adjourned five times by the chief magistrate because of

failure of the prosecution to prepare a summary of evidence. In July former Minister of State Chris Rwakasisi and a former security agent were sentenced to death on six counts of kidnaping. Rwakasisi's trial began in late 1987 and included seven murder charges for which he was acquitted. Also in July, former Vice President Paulo Muwanga was acquitted on a charge of kidnaping with intent to murder. However, he is still in prison facing additional charges.

Some of the 25 alleged monarchists arrested in 1986, who were said to have plotted the return to power of the King (Kabaka) of Uganda, were acquitted in 1988. Others have been released on bail and are still awaiting trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the NRM, interference by authorities with personal privacy and family life through harassment of the populace has diminished. Roadblocks, designed to intercept rebel penetration and smuggling, are much less frequent. However, the hijacking of private vehicles and armed robbery continue in Kampala and other urban areas. In the contested areas of the north and east, NRA soldiers turned to stealing, looting, and other abuse of their authority. Although required by law, search warrants are rarely obtained.

Under the two bills which authorize the President to declare a state of insurgency, NRA soldiers would be given police powers in insurgency areas, and individual protections such as search warrants and the right to bail would be suspended.

There was no indication that the Government interfered with private correspondence in 1988.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech in Uganda is restricted by the ban on partisan political activity and government sensitivity about press reports covering the activities of armed opposition groups and allegations of NRA abuses. Political parties may not hold press conferences or organize rallies and other functions at which party officials would speak. Despite this restriction, extensive public debate occurs in government and nongovernment seminars and in the press.

Over 15 newspapers publish a wide range of viewpoints covering the political spectrum. This coverage includes reporting of human rights violations, the ongoing civil war, and alleged corruption by government and army officials. Both the President and the Information Minister have publicly stated their support of a free press, but officials repeatedly warned the press in 1988 that "freedom of the press does not mean indiscipline and irresponsibility."

The Government in practice has used a variety of techniques to curb press freedom, e.g., detentions of journalists and the banning of The Weekend Digest in June 1986 for printing a story unfavorable to the NRM. At least three Ugandan journalists are currently awaiting trial on treason charges arising out of newspaper articles, including Digest editors Wilson Mandera and Jesse Mashate who were first arrested on charges of treason in 1986. They were released on bail

pending trial. The authorities detained Lance Seera Muwanga in February 1987, ostensibly because of his article in the African Concord in which he accused the NRM of human rights violations in excess of those committed under Idi Amin. Muwanga was released in March 1988 for humanitarian reasons. John Kakooza, the editor of The Citizen, was arrested in December 1987 after publication of an article stating the rebels were in control of important parts of the country. He was released but was redetained in March and again released. An assistant editor, Joseph Kiggundu, was charged with publishing false information in connection with a story on the death of former Energy Minister Andrew Kayiira. The authorities also arrested on charges of treason, Francis Odida, editor of the Sunday Review, in late 1987 for an article dealing with Alice Lakwena's Holy Spirit Movement, which is one of the opposition groups in the northeast. Odida was released on bail in September and is awaiting trial. Jackson Binyenda, the business manager of the Financial Times, was arrested in May and questioned about terrorism. He was detained for 75 days, then released when officials decided there was no case against him.

In addition to these detentions, some newspaper offices suffered mysterious break-ins in 1988. AI has been concerned about recent trends and in a July 1988 report on press freedom in Uganda, pointed out a "serious pattern whereby the state is imprisoning or threatening with imprisonment those who criticize government policy or performance."

b. Freedom of Peaceful Assembly and Association

Permits for public gatherings must be obtained from police authorities, who have the right to deny the permit in the interest of public safety. Although political parties are not banned, political activity is not allowed; thus large gatherings usually occur either on government-sponsored or religious occasions. In rare cases, permits have been denied to fundamentalist religious groups for fear of public disturbances. Professional associations operate without hindrance, as do international service associations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion in Uganda. Christianity, Islam, and African traditional religions are freely practiced. Conversion between religions is not obstructed. There is no government control of religious publications, even those with an antigovernment bias. Foreign missionaries and other religious figures are welcome in Uganda. In March, however, the Government expelled a Russian Orthodox missionary for publishing information "likely to cause public alarm," and in October the Government imposed stricter foreign exchange regulations on incoming missionaries. Religious leaders frequently speak out publicly on topics relating to their followers' welfare, addressing in particular human rights, security, and political issues. Because of increasingly serious and violent disagreements over Muslim leadership issues, the Government submitted the leadership question to a Ugandan court in 1987. The Government's insistence on adherence to the court's decision has eased tensions within the Muslim community.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In theory, Ugandans may work or live anywhere in the country and move about freely within it. There are no restrictions which prevent Ugandans from emigrating. In practice, travel within the country in 1988 remained difficult because of sporadic guerrilla attacks and rebel activity that cut off the north and east from the rest of the country. Since the signing of the peace treaty with the UPDA in midyear, travel to Gulu, Kitgum, and Soroti has improved, although conditions outside these towns, especially Gulu in the north, remained tense. Because of clashes between the NRA and rebel forces in areas in northern and eastern Uganda, as many as 100,000 displaced persons moved to more secure areas. Food and resettlement needs for those displaced persons have been supplied through the Government, international relief organizations, and bilateral aid.

In the early 1980's, Uganda was the second largest generator of refugees in Africa--over 300,000, the majority of whom fled to southern Sudan and northeastern Zaire. In recent years, most have returned. During 1988 about 100,000 Ugandan refugees returned from the Sudan with the help of the United Nations High Commissioner for Refugees (UNHCR). An estimated 2,500 remained to be repatriated at the end of 1988. Another 2,700 elected to remain in Sudan.

Because of rebel activity by the Sudanese Peoples' Liberation Army (SPLA) in 1987, Sudanese as well as Ugandan returnees have fled across the border from Sudan into northern Uganda. The UNHCR recognized about 4,500 Sudanese refugees in Uganda by the end of the year. About half the 2,000 refugees who fled a local conflict in Zaire in 1987 remain settled in a refugee camp in Uganda.

There were no reported instances of forced repatriation or resettlement of refugees in 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ugandans presently do not have the right to change their government by democratic means. Yoweri Museveni and his army, the NRA, emerged victorious from the long civil conflict in January 1986. Museveni immediately abolished the parliamentary structure and established an interim, nonelected government which is to last 4 years. The Government encompasses members of various political power bases in Uganda, including political parties and former fighting groups. President Museveni broadened his Government in March with a major cabinet reshuffle.

In theory, legislative authority resides in the larger National Resistance Council, which has a broad cross-section of ethnic, political, and religious personalities. In practice, however, the NRC is more a sounding board than a decisionmaking body as most major decisions are made by the political leadership of the NRM. Village and district Resistance Councils (RC's) have been established in 29 of the 33 districts, and RC's should be selected shortly in Kitgum and Lira districts. In the districts of Gulu and Soroti, rebel activities prevent the election of RC's.

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In August a widely advertised seminar on the proposed constitution, which was planned by a private group in coordination with high NRM officials, was prohibited by the Government at the last moment. Prime Minister Kisseka said the Government was "working on a timetable for presentation and discussion of proposals for our new constitution," and called the seminar "premature." The press and some members of the NRC criticized the Government for blocking the August seminar, and there have been no further efforts to circumscribe debate. After much public speculation and assurances by the Minister of Constitutional Affairs and the President, the Government introduced legislation in October to establish an 11-member commission appointed by the President to review the 1967 Constitution, solicit public comments, and draft a new constitution. The commission was appointed late in the year.

There are two female ministers and three female deputy ministers in the Government, as well as a number of ambassadors and one other (nonministerial) female member of the NRC. There are many women advocates and judges, including three women justices on Uganda's High Court. At the local level, there are two women district administrators appointed by the President.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The NRM stresses publicly its efforts in the field of human rights and welcomed representatives of AI, the Lawyers Committee for Human Rights, and the U.S. Committee for Refugees to Uganda in 1988. Visitors from these organizations met with high-level government officials, including President Museveni, as well as human rights activists and members of the government-appointed Commission of Inquiry into human rights abuses. The ICRC continued its programs of visits to prisons, tracing missing persons, and family reunification. Although the ICRC received permission at the end of 1987 to visit military barracks, where many political detainees are held, the military has not allowed them to make such visits. The ICRC had hoped to resume its full program of emergency assistance in disturbed areas, but its operations in contested areas such as Gulu and Kitgum were still curtailed by the army at the end of 1988.

The Government's Office of the Inspector General has authority to investigate government corruption, abuse of office by government officials, and human rights abuses. Although it is severely understaffed, it became more active in 1988, primarily in responding to complaints from both individuals and organizations concerning attempts to locate detainees and arrange family visitation. An independent organization, the Uganda Human Rights Activists, monitors human rights developments within Uganda. Its publication, the Activist, was closely scrutinized by the Government in 1987, but it appeared regularly throughout 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Africans of three ethnic groups--Bantu (south), Nilotic (north), and Nilo-Hamitic (east)--constitute most of the population. Of these groups, the Bantu is the largest and includes the Baganda, which, with more than 1 million members, is the largest tribe. Ethnic cleavages and tribalism underlie

much of the cycle of war and political strife which has plagued Uganda for decades. Such fears and concerns remain factors in continuing rebel activity in the north and east and in considerations of future constitutional arrangements. The NRM Government has publicly repudiated tribalism and advocated national reconciliation, stating that all citizens are Ugandans first and foremost.

One ethnic group traditionally subject to discrimination in delivery of the Government's economic and social services is the Karamajong, a pastoral people with a tradition of cattle ownership, who live in the semiarid region of northeast Uganda. Under many regimes, including the present Government, military action has been directed against them in reprisal for their violent cattle raiding. The Karamoja region experienced serious drought and faced famine in late 1987 exacerbated by an influx of people displaced by military operations in the east. As the Karamajong emerge from their traditional lifestyle, the Government has created a Minister of State in the Office of the President for Karamajong to help meet their needs. In addition, the Ministry of Rehabilitation is working closely with donor agencies to provide relief services in Karamoja.

As Uganda is predominately rural, women have a traditional role in agriculture, with significant variations between ethnic groups. Women are not legally discriminated against or officially restricted in seeking education or employment. Even in urban areas, however, their access to education declined disproportionately with the deterioration of the educational system and economic stagnation. Families withdrew daughters rather than sons from school in times of economic hardship. Women played an important part in the NRA's bush war, serving as soldiers, intelligence operatives, and support personnel. Women lawyers are active in Uganda and recently opened Uganda's first legal aid clinic which will provide free legal services. The NRM created a women's secretariat charged with educating and politicizing Ugandan women, as well as a national council of women which is part of the Ministry of Local Government with responsibility for coordinating the activities of women's groups throughout Uganda.

Section 6 Worker Rights

a. The Right of Association

Under the present Government, most workers have the right under Ugandan law to form unions, although skilled workers in the civil service are not allowed to do so. The National Organization of Trade Unions (NOTU), Uganda's national labor federation to which all unions are by law affiliated, held its first free elections in 5 years in early 1986 and began rehabilitating regional union structures. High inflation and lack of transport, however, have made it difficult for individual unions to organize, especially outside the major commercial centers of Kampala and Jinja. Labor-government relations have improved during the past year, and unions generally have been supportive of government measures to fix prices of essential commodities. NOTU participates in meetings of the Interional Labor Organization (ILO), and it is affiliated with the Organization of African Trade Union Unity.

The Minister of Labor has stated that the Government recognizes the right of workers to strike, but it does not

approve of wildcat strikes and prefers that workers first exhaust more conciliatory methods of resolving labor disputes. Under the Trades Disputes (Arbitration and Settlement) Act, the industrial court hears and arbitrates trade disputes referred to it either by the Minister of Labor or the parties to the dispute.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively are recognized in law. Union officials are not harassed and are free to organize. The arrest of 2 union officials during a Coffee Marketing Board strike in June arose from a misunderstanding that was quickly resolved. In November 1988 the bank employees union successfully bargained for higher pay and improved working conditions. Labor legislation and practice is uniform throughout the country. There are no export processing zones in Uganda.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law, except when imposed by a court as part of a criminal sentence. Under the NRA code of conduct, soldiers tried by military tribunals can be sentenced to forced labor as part of their punishment. There have been reports of such labor at NRA military camps where captured rebel soldiers are "rehabilitated."

d. Minimum Age for Employment of Children

Most of Uganda's almost 15 million people live in rural areas on subsistence farms. In the modern wage sector, the legal minimum age for employment is 12 years except for light work, which the Minister of Labor may exempt. In addition, there are legal restrictions on employing persons under 16 years of age in mining and night work, except in the case of apprenticeship (according to the ILO Committee of Experts, the Government has promised to correct this "anomaly" in its next revision of labor legislation).

e. Acceptable Conditions of Work

The legal workweek is a maximum of 45 hours. The minimum legal wage is that of the lowest paid person employed by the Kampala City Council, currently about $7 per month. In practice, most workers--even those who are not represented by unions--receive more than this minimum wage. Nevertheless, most workers must either work a second job or grow food to be able to feed their families and pay the primary and secondary school fees. Medical care is supposed to be provided by employers. There are also occupational, safety, and health standards, but in practice, because of the serious decline in the economy, there is little effort at enforcement of labor laws.

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President Mobutu Sese Seko, who came to power in 1965, heads both the Government of Zaire and its only legal party, the Popular Movement of the Revolution (MPR). Although in theory he shares legislative power with the elected unicameral Legislative Council, the President has the constitutional power to promulgate laws by decree, and all party and government organs are subordinate to him. All citizens are automatically members of the single legal political party. The Executive Council (Prime Minister and Council of Ministers), the Legislative Council, the judiciary, and the only labor union (National Union of Zairian Workers) are all organs of the party. Political activity is limited to the party and its affiliates. The focal point of the party and the Government is the party's Central Committee (148 members) which meets semiannually.

A complex of security organizations, notably the civilian National Documentation Agency, the National Immigration Agency, the Gendarmerie, the Civil Guard, and the armed forces (especially the Military Action and Intelligence Service) share responsibility for identifying and controlling potential internal and external threats. Their broad powers and influence have resulted in the arbitrary harassment, physical mistreatment, and detention of ordinary citizens as well as political opponents of the Government.

Zaire has a mixed economy involving an active private sector and an extensive but declining number of state enterprises. Major mining, transportation, and communication activities are still largely state owned. About 70 percent of the population is rural, cultivating the land by traditional methods. Since 1983 Zaire has followed a series of stabilization plans, with varying degrees of success, with International Monetary Fund (IMF) support. In the last quarter of 1987, the government budget deficit greatly increased, and inflation, exchange rates, and interest rates again departed from adjustment program targets. Inflation rose dramatically. In July 1988, the Government decided to pursue an independent adjustment program, though it continued contacts with the IMF and World Bank, seeking a new program incorporating lower debt payments. By the end of 1988, inflation had receded somewhat, and continuing high copper prices bolstered the Government's foreign currency reserves. Notwithstanding this improvement, most of the population still experiences severe economic hardship. Per capita income is approximately $180 per year but is declining as population increases faster (3 percent per year) than economic growth (2 percent per year).

Human rights in Zaire continued to be substantially circumscribed in 1988, including in such important areas as freedom of speech, press, assembly, and integrity of the person. The Government took harsh actions, including the use of arrests and internal exile, to quash activities of members of the internal opposition group, the Union for Democracy and Social Progress (UDPS), who advocate the establishment of a second legal political party. Many human rights abuses stem from endemic corruption. In 1988, for example, police and military personnel frequently abused their authority and arbitrarily arrested, detained, and extorted money from civilians including businessmen. The Government continued in 1988 to give greater public attention to some aspects of human rights and pressed forward with some important, but still limited, institutional action in meeting public concerns. The

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President of the Judicial Council (a super-Ministry of Justice also charged with administration of the court and penal systems) took specific positive measures, e.g., closing some prisons, enacting ordinances to regulate arrest authority and procedures, and airing public grievances. The new Department (ministry) of Citizens' Rights and Liberties (DCRL), whose mission is to redress citizen's rights when all other legal resources have been exhausted, expanded its structure and began to assert its role. It proved successful in resolving a significant number of cases of a civil nature (e.g., titles to land and contract disputes) but its impact on human rights cases (e.g., wrongful detention) had yet to be demonstrated.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no confirmed cases of political killing in 1988. However, one member of the the UDPS reportedly died as the result of beatings received while in detention following his arrest on January 17. He was released after 3 1/2 days in prison, where he had reportedly received no medical care, and died in a clinic shortly after his release.

b. Disappearance

There were no reports of disappearance of persons for political causes. However, there were in 1988 reports of disappearance--and possibly some summary executions--of citizens in the Kivu and Haut Zaire regions in June and July attributed to members of the Zairian military in actions against an armed opposition group. A report published by the European Parliament in July discussed similar incidents in the Kibali-Ituri (North Kivu) and Haut Zaire regions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture or physical mistreatment of detainees is common in most Zairian places of detention. Reliable sources reported beatings and other physical mistreatment of prisoners and detainees during the year, many involving UDPS members held at high security prisons. Amnesty International's (AI) 1988 report (covering 1987) notes that one of the UDPS founders, Lumbu Malaba Ndiba, while imprisoned was brutally treated, deprived of food, and beaten. The Government claims that it does not condone torture or cruel or inhuman treatment, but there are few, if any, instances of officials being tried and punished for such actions.

Private citizens are often mistreated by members of the Zairian security forces. There were many reports of private citizens being beaten at the hands of security officials after refusing to surrender money or other valuables. Reports of unsanitary facilities and starvation among prisoners continued to emanate from Zaire's prisons in 1988. Such conditions have led to outbreaks of dysentery, cholera, typhoid, and other communicable diseases. In many prisons, medical supplies and treatment are either inadequate or nonexistent. Food and medical supplies provided for prisoners are reportedly diverted or sold by prison officials. While lack of concern among senior officials, incompetence, corruption, and limited

government funding have helped perpetuate these problems, the Government has publicly recognized that changes must be made.

Accordingly, throughout 1988 the Judicial Council continued to introduce measures to improve conditions in Zaire's prison and judicial systems. The Judicial Council President personally inspected many prisons throughout the country, ordering several closed pending renovation of the facilities. In those prisons under the jurisdiction of the Judicial Council, funding was increased to provide prisoners two meals a day, beds, blankets, and medical supplies. A special commission, separate from the prison staff, was created to supervise prison administration. These measures, in addition to those implemented in 1987, have been reasonably effective in Kinshasa and in some of the other major cities. Their effectiveness in outlying areas is doubtful, and they have no effect on the military prison system where political detainees are likely to be held.

The International Commission of the Red Cross (ICRC) has also helped to improve conditions in some civilian prisons by providing cots and basic medical supplies. Throughout 1988, the ICRC was allowed access to prisons and detention centers under the jurisdiction of the Judicial Council, but ICRC officials were not allowed to visit UDPS detainees, and access was reduced while UDPS members were being held in those facilities. ICRC access to other prisons and detention centers under the control of the various security agencies remained restricted throughout 1988. The heads of these agencies would not allow the ICRC to visit the centers unless the security agency set the time and the place of the visit in advance, a condition which is contrary to ICRC policy. Conditions in prisons which do not come under Judicial Council jurisdiction remain poor.

d. Arbitrary Arrest, Detention, or Exile

By law, those arrested by a judicial police officer must be brought before a magistrate within 48 hours for an initial hearing and determination that there are sufficient grounds for the arrest. If this determination is positive, the magistrate can order bail or preventive detention for up to 15 days. The case must be brought up for review by a three-magistrate body within 5 days of the defendant's imprisonment or preventive detention. If the decision is upheld, the case is ordered to trial when the investigation is completed. The law stipulates that these periods of detention may be extended only in exceptional cases. In practice, arbitrary arrest and prolonged detention without charges are common occurrences, affecting many people who come into contact with the criminal justice system. Suspects are often arrested and held for months without a hearing, often incommunicado. In an effort to reduce the frequency of such occurrences, Judicial Council personnel visit various prisons and detention centers each night to take detainees before a magistrate within the required 48 hours.

Undisciplined police and military personnel frequently abused their authority in 1988 to harass, arrest, and extort money from civilians. The Civil Guard arrested a number of local and foreign businessmen on false charges or for questionable, albeit common Zairian business practices. They were held in detention until bribes were paid.

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Persons with financial resources are known to buy their way out of detention without charges ever being filed. Moreover, anyone with money or strong political ties is often freed before serving his sentence, regardless of the gravity of the crime committed. One 1988 example: a former government agency director was sentenced to 9 years imprisonment for offenses including arbitrary arrest and embezzlement of public funds, but he was released in June under an official government ordinance. On the other hand, detainees and prisoners without financial means or political influence may remain in custody beyond the term of their sentences without ever going to trial. One foreign journalist was held for 6 months without charge when he refused to bribe military police for the return of his personal items which had been taken by the police at the time of his arrest.

The President of the Judicial Council enacted a series of ordinances in 1988 to rein in corruption and abuses by police and security officers. These ordinances regulate who has the authority to make arrests and the procedures to be followed. In theory, the ordinances cover all officials with arrest powers from any police or security agency. All officials are required to take an oath to uphold the law and to act solely within his or her authority. After taking the oath, each is assigned a number and given an identification card with a photograph which must be presented when carrying out an arrest, search, or seizure. Citizens have the right to ask to see the identification card. The ordinances specify powers and duties of these officers, including limits on arrest authority, and requirements to arraign detainees within 48 hours. Thus far, the impact of these ordinances has been been limited. To date only judicial police officers under direct Judicial Council control have taken the oath. None from the security agencies has done so.

Most individuals detained for political reasons are held by means of nonjudicial sanctions which range from administrative detention and house arrest to internal exile and restriction of movement and travel. They are not formally charged or tried, remaining in detention or internal exile until the President chooses to release them. Such arrests and relegations are made openly, and the whereabouts of detainees are usually known, at least unofficially, although sometimes not acknowledged by the Government.

In recent years, the Government has engaged in repeated actions (using both internal exile and prison detention) to curb and coopt back into the MPR the "primary" banned internal opposition party, the Union for Democratic and Social Progress. UDPS members were arrested and detained during two periods in 1988, in January and April, ostensibly on public disturbance grounds, although in most cases formal charges were never pressed. In January more than 100 people were arrested while attending a rally at which a UDPS leader, Tshisekedi wa Malumba, was to speak. Many were questioned and released, but around 40 UDPS supporters were held without charge. In mid-March, Tshisekedi wa Malumba was released from prison but placed under house arrest. The Government released almost all of the detained UDPS members at that time.

Tshisekedi was rearrested in April for the circulation of leaflets calling for a boycott of legislative elections, and he was sent into internal exile from April 8 until his release on September 17. The exile of Tshisekedi in April was followed by the arrest and forced internal exile of a second

UDPS leader, Birindwa ci Birhashwirwa, and the arrest of 75 to 100 UDPS activists in the capital and in the interior. Birindwa was released from exile on June 24. Reports indicate that all those arrested had been released by the end of 1988. The total number of political detainees remaining, if any, was unknown.

A small number of opponents of the Government live in self-imposed exile in Europe. There were no known cases of external exile or expulsion of Zairians from the country in 1988. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Zaire's highly centralized Government exercises control over the judiciary, principally through the Judicial Council. The legal system is a mixture of Belgian and customary law. The modern court system includes a Supreme Court, a Court of Appeals in each region, and a Court of State Security.

Defendants are entitled under the Constitution to a public trial and defense counsel. In practice, most citizens are not aware of these rights or are not in a position financially to insist on them. There is an insufficient number of lawyers in Zaire to provide adequate counsel to most defendants, and defendants have no right to an attorney at public expense in nonpolitical cases. When available, defense counsels generally function freely and without coercion. Most defendants who are aware of their rights avail themselves of the right to appeal. Decisions of the State Security Court involving national security, armed robbery, and smuggling are not subject to appeal; but all other procedural protections of the criminal code apply. Nor are military court decisions appealable. While courts-martial generally try only cases involving military personnel, in time of emergency or during military operations the President can suspend civilian courts and transfer jurisdiction over all cases to them.

The judicial process is subject to criticism. At the political level, all judges are members of the MPR and are subject to party discipline. Thus, while judges in fact perform their function without political interference in the great majority of cases, in sensitive or highly politicized cases they operate under implicit or explicit constraints from the executive or security forces. Judicial proceedings against UDPS leader Tshisekedi wa Malumba, charged with holding an unauthorized rally in Kinshasa, were suspended without trial when Tshisekedi was declared insane. One psychiatrist who examined Tshisekedi and refused to certify that he was insane was himself detained for several days. At the daily operational level, it appears that some magistrates and lawyers accept bribes, applying the full rigor of the law only to those who are unable to pay.

The President of the Judicial Council, in his continued effort to improve the judicial system, suspended several magistrates and officials from four courts in the Kinshasa area for their inaction on 1,147 cases. During September, he and his staff presided over "judicial days" at courts throughout Kinshasa's 24 zones allowing citizens to present complaints about court officials and the administration of justice. These limited steps attracted popular interest.

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The Department of Citizens Rights and Liberties (DCRL), created in 1986 to redress citizens' rights when all other legal resources had been exhausted, began operation on July 1, 1987. The DCRL has a central office and district offices in all of Kinshasa's 24 zones. On July 1, 1988, the DCRL Minister named representatives for 32 offices throughout the rest of the country, but most regional offices had not been opened by the end of 1988. Of the 1,990 cases initially filed with the DCRL, 72 percent treated such subjects as labor questions, title to land, execution of judgments, and inheritance. Only 28 percent concerned human rights abuses such as arbitrary arrests, prolonged detentions, illegal seizures, and abuses by security forces. By June 1988, at least half of the 1,990 cases had reportedly been resolved, but only a few were in the human rights category.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Membership in Zaire's sole political party is obligatory. All Zairians automatically become members of the MPR at birth. Party and state security organizations extend down to the neighborhood level, and both maintain liaison offices in all government agencies (including military units, universities, the legislative council, and ministries). Party officials, civil servants, armed forces personnel, parliamentarians, and employees of state enterprises are taxed to support the activities of the party's major organs (Cadre Training, Mobilization, Propaganda, Women's Affairs, and Youth). These party cadres are also required to attend the party's training institute. Absence can result in reprimands and suspensions. Government employees, market vendors, and blue-collar workers are often required to participate in public events--parades, official arrival and departure ceremonies, etc.--or risk being suspended from their jobs. In line with the party-state's ideology of "Zairian authenticity," Zairian men are forbidden to wear neckties. Zairians are also forbidden in principle to use non-African names.

Except in cases of threats to national security, the law requires the police to have a judicial warrant before they can search a home. In practice, police and security authorities enter and search homes without such warrants. Mail is opened sporadically by security services, some telephone conversations are tapped, and government informers surveil places of residence as well as employment. In civil cases in which defendants have been found guilty of fraud or embezzlement from the Government, their property and homes can be confiscated without reimbursement.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the right of all citizens to express their opinions and feelings freely, either orally or in writing, but it subordinates that and all other rights to the need to ensure "public order and good conduct." Since Zairians are automatically members of the sole political party, the ideology of the MPR is the only acceptable public profession of political thought. The MPR ideology comprises the views and policies of the party's chairman and founder, President Mobutu Sese Seko. The theater, songs, and all-pervasive street gossip are important means for communicating popular opinions and news.

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Dozens of people were arrested in 1988 for possessing or distributing political literature or documents that the Government found objectionable. In July UDPS leader Kalengayi Kadima was arrested under a Zairian law forbidding the distribution of "pamphlets of a foreign origin or inspiration and of such a nature as to damage the national interest." A letter signed by 48 members of the U.S. Congress which criticized human rights abuses in Zaire was cited as an objectionable document in Kalengayi's case. Judicial proceedings against him were suspended before trial and have not resumed.

Radio and television are owned and operated by the State. The major newspapers are privately owned but depend upon significant government subsidies for survival. In addition, they receive most of their news from the Zairian National Press Agency (AZAP), a state organization. The media are expected to promote the ideals and principles of the party. Generally, publishers and editors are active party members. Commentary on politically sensitive domestic or foreign issues is discouraged, and direct criticism of the President is forbidden. While journalists are circumspect in their criticism of other high officials as well, criticism of certain government practices, inadequate services, and corruption frequently appears in print.

Media censorship tends to be self-imposed. Zairian journalists must be members of the press union in order to practice their profession. The threat of ouster from the union and consequent loss of livelihood are strong inducements toward self-censorship.

The Government also uses other techniques to control the media, including the use of detention. In 1988 local officials had the director of one of Zaire's major daily newspapers arrested and detained for several months after publishing an article criticizing the officials' involvement in smuggling activities. He was released only after journalists from his newspapers's central office in Kinshasa published articles and made a public issue of the case. In another case, the Government accused the director of a regional paper of being in possession of documents from the opposition UDPS party and had him held in prison for several months.

In July the Government shut down one private journal, Zaire-Actualites, when its July edition contained numerous articles critical of the party, Government, and certain high-level officials. The authorities cited the journal as antirevolutionary and irresponsible and the owner as not possessing the proper license.

There are several clandestine presses which operate sporadically, printing flyers and handbills critical of the Government and various Zairian leaders.

All foreign journalists wishing to visit Zaire must receive prior permission from the Ministry of Information.

Artistic and academic freedom of expression are subject to the same restrictions and self-censorship as the press. Mandatory membership in professional organizations and well-developed informer networks serve to discourage dissent. From time to time, books, films, and certain issues of newspapers and magazines are banned. Imported publications, including books

and periodicals, are subject to censorship if they are critical of Zaire or its Government. However, articles criticizing aspects of the Government's economic policy have circulated uncensored.

b. Freedom of Peaceful Assembly and Association

Only the party and its affiliates may generally hold public meetings. The Government permits the existence of nonpolitical associations, but in principle they must notify authorities when they plan meetings or activities involving more than five people. In practice this is rarely enforced. The Government can also prohibit meetings which continue after 9 p.m. Meetings of nonofficial organizations have been disrupted on occasion by government agents because of suspected political activities. In January police forcefully broke up a UDPS rally, ostensibly because no permit for the rally had been issued, and arrested more than 100 UDPS supporters. In October police fired on rioting students who had seized members of the security force during a demonstration against the South African President's visit to Zaire. Two persons reportedly were wounded. The President later criticized the security forces for using excessive force and the students for violent behavior.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is recognized in the Constitution, and the Government officially sanctions most of the major world religions. However, new churches must obtain government recognition to operate freely, and that recognition has been difficult for less well-known churches to obtain. Adherents to sects not officially recognized by the Government are subject to harassment by local officials, including arrest, physical mistreatment, seizure of property, and demands for bribes.

Traditional African religious groups are tolerated but not officially recognized. The Jehovah's Witnesses and a number of other religious groups, banned in 1986 on charges of fraud or subversive activities, remained banned throughout 1988. These groups are considered antigovernment because of their refusal to recognize national symbols, such as the flag and the national anthem, or to participate in political ceremonies. In October the Civil Guard seized property in Kinshasa belonging to the Jehovah's Witnesses, pursuant to a 1986 court order that it liquidate its property, and in December evicted the Witnesses' caretakers. A government report issued in April 1988 indicated that 357 sects and churches were operating illegally in Zaire, 171 of them in Kinshasa. The Government ordered them closed until such time as the authorities give them permission to function. The report noted that the Constitution recognized the rights of religious associations as long as their activities were not contrary to the law or public order.

The two major religions in Zaire are Christianity (Catholicism 50 percent, Protestantism, including Kimbanguism, 36 percent), and Islam (5 percent). Officially recognized religions are free to establish places of worship and to train clergy. Most churches maintain active links with coreligionists outside the country, and expatriate missionaries are allowed to

proselytize and to serve both Zairian and expatriate congregations. Affiliation with a recognized religion confers neither advantage nor disadvantage with respect to secular status.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government at times imposes special documentation requirements for travel to areas of unrest or security concern. As noted earlier, the Government also restricts some dissidents to villages of origin or other locations in the interior. Expatriates must have special permits to travel into certain regions such as diamond-producing areas. All citizens, refugees, and permanent residents must carry government-issued identity cards, and police and military personnel often set up checkpoints along major roads to inspect papers. Those whose documents are not in order must pay a fine or go to jail. In principle, any Zairian citizen may obtain a passport and exit visa, although on occasion government and security officials have impeded issuance in order to prevent or disrupt travel of persons suspected of political opposition. A married woman must have her husband's permission before obtaining a passport.

As of 1988, there were estimates of 50,000 officially registered Zairians living as displaced persons or refugees in neighboring countries. This figure includes over 10,000 supporters of the National Front for the Liberation of the Congo (FNLC) who remain in Angola. A small number of political refugees also resides in the Congo. A few asylum-seeking refugees are in Europe, particularly in Belgium.

Experience indicates that many Zairian displaced persons could return to Zaire if they wished as many did in 1986 and 1987. Political opponents of the Government living in self-imposed exile in Europe probably could not return safely to Zaire without renouncing their political views.

By mid-1988, Zaire was providing safehaven to approximately 377,000 refugees, of whom 316,000 are Angolans. Refugees are generally allowed to pass freely into Zaire. The Government provides land for resettlement and camps. Outside agencies, especially the United Nations High Commisioner for Refugees (UNHCR), provide food, housing, transportation, and medical care.

Upon entering Zaire, refugees are first processed by Zairian military and state security officials. Although the Government's policy and practice towards refugees are liberal, security officials sometimes harass and extort money and personal possessions from refugees. Refugees are also sometimes detained or closely monitored on suspicion of illegal political activity.

Forced repatriation is contrary to official government policy and rarely occurs. The UNHCR was aware of no cases of forced repatriation from Zaire in 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government through democratic means. Political power in Zaire is highly centralized and controlled by the President, who makes all

important decisions. Under Zaire's Constitution, the State is essentially the executive organ of the country's sole political party, the Popular Movement of the Revolution. Party congresses meet every 5 years under the guidance of the President to set national political guidelines, which are then supplemented by resolutions of the party's Central Committee A party congress was held in May 1988. Policies are executed by the Prime Minister and the Cabinet, both appointed by the President. Advocacy of a multiparty system or opposition to the party-state are both unconstitutional and illegal, as are actions which question the authority of the President and the political system.

Suffrage is universal beginning at age 18, and voting is mandatory, enforced by penalties including fines or arrest. The national Parliament, municipal councils, and rural and urban zone councils are chosen by direct popular elections which also take place every 5 years. All candidates are screened by party committees at the appropriate level, but voters generally have a choice of several candidates. In the 1987 parliamentary elections over half of the incumbents were defeated. President Mobutu was reelected unopposed in 1984 to a third 7-year term in office.

General municipal, rural, and parliamentary elections were last held in 1987. The local elections were voided because of election fraud and irregularities; they were rescheduled for March 1988, but then postponed again to March 1989. The official reason for this latest postponement was budgetary limits, although the inability of the Minister of Territorial Affairs to organize the elections may have also been a factor. The Central Committee has made several changes in election procedures in an effort to prevent the 1987 irregularities from recurring. A second set of parliamentary elections was held in April to fill the 12 new parliamentary seats given to the capital city of Kinshasa, now totaling 24. The elections were organized by the Central Committee and were intended to redistribute the ethnic composition of Kinshasa's representatives. Despite theoretical mandatory participation, voter turnout was reported to be less than 50 percent.

Since 1980 members of the UDPS (see Section 1.d.) have been involved in efforts to establish a second political party. Many are former Members of Parliament. Their efforts have been rebuffed both by the official party and the President, and they have suffered arrest and detention at various times over the past 7 years. UDPS leaders released from internal exile in June 1987 have taken two different routes. Five UDPS leaders accepted appointments to high-level MPR and government positions. Two others remain outside the MPR and suffered arrest and detention on several occasions in 1988.

Zaire has a female Director of Women's Affairs and 10 women in the Parliament. Women also occupy other important positions in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government maintains that Zaire's human rights practices meet international standards and denies charges of systematic and serious violations. It participated in the 43rd and 44th sessions of the U.N. Human Rights Commission (UNHRC), and Zaire's representative, the Minister of the Department of

Citizens' Rights and Liberties, again defended his Government's concern for human rights. However, Zaire did not respond to the specific international human rights charges made in the UNHRC in 1987.

The Government's attitude towards external investigations has been mixed, but at the invitation of the head of the DCRL, an AI mission visited Kinshasa in October 1987. The ICRC has been allowed to maintain a permanent office in Zaire since 1978, although at times its access to prisons has been restricted.

In October the National Bar Association, in collaboration with the Judicial Council, the DCRL, the Central African Lawyers Union, and the Inter-African Lawyers Union, held a 3-day symposium on human rights. Zairian and other African legal specialists gathered in Kinshasa to consider the general theme of "Respect for Human Rights in African Development."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Home to approximately 300 disparate ethnic groups, most of which have their own languages, Zaire has a population of over 33 million. The Government has sought to defuse disputes based on linguistic or ethnic differences by adopting French as the official language of government and education. Four vernacular languages--Lingala, Swahili, Tshiluba, and Kikongo--also serve to bridge the communication gap with smaller tribal groups. Many urban Zairians speak Lingala, the language used in both the army and the capital city, or Swahili, used in the east of the country. Both were originally nontribal trading languages. The fact that many rural people are unacquainted with these languages complicates their dealings with government and military officials.

The Government strives to counter ethnic divisions by recruiting ministers and other high government officials from all regions and major ethnic groups. One longstanding hallmark of the Mobutu Government is an emphasis on the primacy of the Zairian national identity, and the Government has made efforts to insure that all ethnics groups have access to jobs in government. At the local level, the Government recognizes group differences by giving tribal elders and customary chiefs authority in many local matters.

Custom, tradition, and existing law continue to constrain women from attaining a position of equality in society. Women generally hold lower positions and earn less than their male counterparts in the same jobs. Nevertheless, the role of women in Zairian society is given great emphasis in the party doctrine and in government policies and statements. Women's rights to own property and participate in the political and economic sectors are protected by law, including the new Family Code. This Code expressly provides for women to inherit their husband's estates and strengthens their right to manage personal property and their right to a property settlement upon divorce. The party's Office of Women's Affairs promotes greater participation by women in the nation's economic, social, and political life and encourages respect for women's rights. A growing number of women work in the professions, the universities, and government service. Several women have been graduates from the Zairian Armed Forces' Command and Staff College, although attendance by women there has reportedly declined in recent years.

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The new Family Code, promulgated in August 1987, went into effect on July 30, 1988. This Code, which combines elements of traditional and western jurisprudence, addresses many social issues including divorce, property, and inheritance. Although the new Code expands women's rights, it retains provisions requiring a married woman to obey her husband and obtain his permission for all legal transactions (to open a bank account, accept a job, obtain a passport, rent or sell real estate, etc.) The Department of Women's Affairs in conjunction with the Judicial Council, the Association of Women Jurists, and other professional organizations has launched a full-fledged campaign to inform the general population of the contents of the Family Code. Televised discussions of the Code began weeks before it went into effect.

Section 6 Worker Rights

a. The Right of Association.

Worker rights and working conditions are established by the Constitution, the Labor Code, and collective bargaining. The labor movement in Zaire is limited by law to one national union, the National Union of Zairian Workers (UNTZA), which is an integral unit of the sole political party. The Secretary General of UNTZA is a member of the party's Central Committee, and union officials at the regional level serve on regional party committees.

Membership in UNTZA is compulsory for civil servants, employees of state enterprises, and employees of private firms with at least 20 employees. The union claims about 1 million workers as dues-paying members. However, the overwhelming majority of the work force is self-employed, either in the unofficial sector or in subsistence agriculture.

UNTZA participates actively in the International Labor Organization (ILO) and the Organization of African Trade Union Unity and maintains ties with a number of foreign labor confederations.

The right to strike is included in the labor law, but because the law establishes lengthy and mandatory arbitration and appeal procedures which result in the resolution of most labor disputes, in practice lawful strikes do not occur. Workers, nevertheless, conduct frequent unauthorized strikes against employers. In these circumstances, UNTZA is called in to attempt to resolve the dispute.

b. The Right to Organize and Bargain Collectively

UNTZA has the right, and it exercises this right, to bargain collectively with employers. It also provides significant social and educational services to members and their families. It implements government programs to improve worker benefits. As part of Zaire's party-state structure, it is unable to protect worker interests or defend worker rights which run counter to government policies.

Workers are uniformly covered by labor legislation throughout the country, including in the new export processing zone.

c. Prohibition of Forced or Compulsory Labor

On paper the Constitution and Labor Code forbid forced labor. Zairian legislation providing for compulsory civilian service

for graduates from pedagogical and technical institutes was repealed in March 1987. The ILO Committee of Experts has noted that a draft has been prepared to repeal sections of an ordinance authorizing imprisonment with compulsory labor for tax defaulters. There are, however, no known instances in which tax defaulters have been sentenced to compulsory labor. Also, the Committee of Experts has observed that amendments are currently being prepared to bring into conformity with ILO Convention 105 legislation which now obliges every able-bodied adult national (who is not already considered to be making a contribution to national development by reason of employment) to carry out agricultural and other development work laid down by the Government, under penalty of penal sanctions. While imprisonment at hard labor is a common sentence for those convicted of a range of major crimes, the Labor Code requires that such convict labor work only under the supervision and control of the Government and not for any private or corporate authority.

d. Minimum Age for Employment of Children

The legislated minimum age for employment is 18, although those between ages 14 and 18 can legally engage in "light work" if a parent or guardian consents. Due to high levels of unemployment, many children under 14 years of age work in the unregulated economic sector, especially subsistence agriculture, to supplement family income, and minimum wage, safety, and health standards are not observed for them.

e. Acceptable Conditions of Work

Workers are entitled to a minimum daily wage (currently 50 cents), paid holidays, and vacations; they receive at least 1 rest day per week; and they enjoy fringe benefits which usually include a housing allowance, medical care, uniforms, transportation, and a midday meal. Working hours are limited to 48 hours a week. Workplaces are expected to meet minimum safety and health standards. Most workers in the organized sector know their rights, and employer compliance with labor laws is monitored through the national labor union. However, this covers only the roughly 1 million organized workers out of a potential work force of 17 million. The majority of the population is engaged in subsistence agriculture and small scale commerce outside the formal sector. In recent years income in both sectors has not kept up with inflation.

The minimum wage does not provide a decent living for workers and their families. As a result, in the private sector, fringe benefits, which are not subject to income tax, often constitute more than half the total wage package and do enable workers to maintain a very modest standard of living. In the public sector, where remuneration is lower, workers often resort to corruption or take second jobs in the private sector.

ZAMBIA

Zambia has a one-party system of government with the President, Kenneth Kaunda, exercising predominant executive authority. He is advised by a central committee of party leaders and governs through a cabinet and a parliament. There is strong competition for parliamentary seats within the single-party structure. However, all candidates for political office at any level must be members of the United National Independence Party (UNIP) and must be screened by its Central Committee in advance. Since 1964 a state of emergency has been in effect, under which the President has broad discretion to detain or restrict the movements of people, and law enforcement personnel have extraordinary powers to detain suspects and search homes.

Security forces are divided into three main groups. The Zambia Police, operating under the Ministry of Home Affairs, is generally responsible for maintaining law and order. It is divided into regular and paramilitary units. Also under the authority of the police is a volunteer vigilante force composed primarily of party activists. The Zambian Intelligence and Security Service (ZISS) is charged with intelligence-gathering and counterespionage responsibilities. Finally, the armed services are used increasingly for internal security, especially at checkpoints and roadblocks. Urban crime and smuggling are widespread and growing, severely taxing the limited capabilities of Zambia's police and military forces.

Zambia's economy continues to be severely depressed due to factors such as servicing charges on its $5.8 billion external debt, long-term low prices for the country's mineral exports, and rapid population growth, which is outstripping increases in productivity. In the face of high unemployment and inflation, there has been a continuous decline in the standard of living of most citizens. In 1987 President Kaunda cancelled the restructuring program supported by the International Monetary Fund and the World Bank and instituted a "Zambian" program, which included price controls and a crackdown on black-marketeering and illegal strikes. At the end of 1988, the economic situation was still bleak, but it had improved somewhat due to stronger world prices for Zambia's principal export, copper, and good rainfall which helped increase the production of corn, its domestic staple.

In Zambia individual rights and due process are generally respected, with some important exceptions. Political rights are restricted in a one-party structure. In 1988 the human rights situation was sharply influenced by the deteriorating economic situation which led the Government and the National Assembly in February to enact new emergency laws (the Emergency Powers Act). Inter alia, these regulations empowered security officials to search without warrants and seize goods from premises of traders whose licenses had been revoked for suspected black-marketeering. Government action subsequently hit many businesses owned by persons of Asian descent. The vigilantes (volunteer party activists) and army units who man roadblocks used excessive force in many instances in the effort to control smuggling. The external headquarters of the African National Congress (ANC) is located in Lusaka, and there are a number of South African, Namibian, and Angolan refugees in Zambia. Concern over South African efforts to destabilize the country remained high. Several persons were detained as suspected South African agents.

ZAMBIA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no killings for which there was evidence of Zambian political motivation or government instigation. In May a refugee, who was a former member of the Southwest Africa People's Organization (SWAPO), was murdered at the United Nations High Commissioner for Refugees (UNHCR) Makeni Refugee Transit Center near Lusaka.

b. Disappearance

There were no known cases of government-inspired disappearance.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Constitution prohibits torture, but there are credible reports that police and military personnel have resorted to excessive force when interrogating detainees or prisoners. In September a High Court judge criticized "overzealous" police officers and said innocent people were "treated brutally" to obtain statements of confession. Alleged abuses reported during 1988 included beatings, the withholding of food, pain inflicted on various parts of the body, and long periods of solitary confinement. The courts have ordered investigations to ascertain if confessions or statements were made after torture or mistreatment. In one 1988 case, a High Court judge ruled that statements of two defendants in an espionage case had been obtained through torture. In border areas, there were allegations in 1988 that Zambian soldiers beat, and in some cases killed, local civilians who had been mistakenly identified as infiltrators from the Mozambican Resistance Movement (RENAMO).

Zambian prisons are severely understaffed and unsanitary. Medical facilities are meager, but prisoners with serious medical problems are treated in public hospitals. Several foreigners who had been imprisoned for brief periods in Zambia have reported abuses, including beatings, substandard food, and the absence of beds.

d. Arbitrary Arrest, Detention, or Exile

A state of emergency has been in effect since independence was achieved in 1964. Under the Preservation of Public Security Act, during a state of emergency, the President has broad discretion to detain or restrict the movements of persons and can order that persons be arrested and detained indefinitely. Presidential detainees are entitled to formal notification of the reasons for their detention within 14 days of arrest, publication of their detention in the government gazette, access to counsel, frequent visitation by family and colleagues, immediate right to petition the detaining authority for release, and the right to seek judicial review of the detention order by an independent and impartial tribunal after 1 year. The President is not legally bound to accept a tribunal's recommendation of release if he still believes that the detainee poses a threat to national security. In practice, detainees have been released if the

judicial tribunal so recommended. Some detainees have been held for years without coming to trial.

In December President Kaunda revoked the detention orders of eight persons detained under the Preservation of Public Security Act. Approximately 20 persons still remained in detention at the end of the year, including 8 who were detained in October for allegedly plotting the overthrow of the Government. Many of those detained before October were seeking their release through court action, a slow process which could take as long as several years. Detainees may sue the State for unlawful detention and false imprisonment, and in the past some have successfully done so. One of those released in December has announced that he intends to bring a civil suit against the police over his detention.

The 24-year old state of emergency also gives law officers and defense personnel extraordinary powers. Police officers of assistant inspector rank and above may arrest without a warrant and detain a person for up to 28 days if the officer has reason to believe that grounds exist to justify a presidential detention order. In theory, police must provide the detainee with the reasons for his detention within 14 days of arrest. Security officers have broad powers to search suspects and their homes and sometimes act without warrants when looking for smugglers or illegal aliens. These powers were further augmented in February when the National Assembly passed additional legislation affecting search and seizure of property, especially business property (see Section 1.f.).

The Government has used its detention powers to control some of the Angolan refugees. Eleven Angolan refugees were imprisoned in 1987 for political reasons, but all were apparently released in 1988 (see Section 2.d.). As a result of a series of foreign military incursions in the southern African regions, and continuing fears of South African efforts to destabilize Zambia, Zambian police and security forces are suspicious of foreigners. There have been incidents in which foreigners have been detained, and the Zambian authorities have been very slow in informing embassies and in granting consular access.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Zambian judicial system consists of a Supreme Court with appellate powers and a series of lower courts, of which the High Court is the most important. Presidential detainees are not guaranteed public trials, but, if their cases come to trial, they usually are tried in public. The safeguards of English common law apply in cases not involving presidential detainees. The Zambian judiciary traditionally has maintained its independence from executive branch influence. Although the President has the power to appoint and transfer judges, there appears to be no evidence that such power has swayed court decisions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home is generally respected, except in cases relating to the state of emergency or to roundups of illegal aliens. In such cases, security forces often enter the homes of suspects without search warrants.

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Between February and April, during a crackdown on alleged black-marketeering, the Government revoked trading licenses of 203 businessmen, predominantly from the Asian community. Legislation under the Emergency Powers Act was subsequently passed by Parliament which allowed the State without warrant to enter premises and seize without compensation goods belonging to a person whose license had been revoked. Under this Act, police and paramilitary forces cordoned off large areas of Lusaka and conducted mass searches. Hundreds of small vendors were arrested and their goods seized. In the ensuing melees police beat some protesters. The seized goods were later resold through state-owned stores. Some trading licenses were later restored; other traders have challenged the constitutionality of the seizures in court.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

People speak openly on most subjects, and there is lively debate in Parliament on a wide range of political, economic, and social issues. However, direct negative comments concerning the Head of State, the concept of the one-party state, or the national philosophy, "Humanism," generally may not be expressed in public, the Parliament, or the media. The Government sometimes harasses persons who overstep these unwritten limits on free expression.

The media regularly report criticism of government activities expressed by sources ranging from elected officials to average citizens. For example, the press reported criticism of the excessive use of force by security authorities in manning road blocks. The two national dailies are owned by the Government and the party, respectively, and television and radio are state owned. However, they carry substantial commentary critical of party and government performance. In 1988 radio and television broadcasting was removed from the Ministry of National Guidance and Information to become a separate state-owned corporation with a mandate to become financially self-sufficient. An independent biweekly paper, which is sometimes critical of official policies, is published by an association of churches, and two other independent papers focus on mining and financial subjects. Provision for censorship is established in Zambian law, and there is a duly constituted censorship board.

Journalists play an active role in protecting the press freedoms that exist in Zambia. At the urging of journalists, the Government referred the law of defamation to the Law Development Council for review. In June the editor-in-chief of the Zambia News Agency (ZANA), citing professional privilege, refused to testify at the trial of a ZANA reporter charged with writing a false news story. In September a magistrate ruled he must give evidence in the case, stating that Zambian law does not recognize the legal claim of professional secrecy for journalists. The case was dismissed in November by the presiding judge, who ruled that insufficient evidence had been presented. The editor was not obliged to testify.

Academic freedom is highly respected in Zambian society, and educators are outspoken in their commitment to an educational system free of government influence. There is little or no government influence in matters relating to curriculum,

student selection, or faculty assignment at the university level.

b. Freedom of Peaceful Assembly and Association

All political activity outside the one-party structure is banned. Police permits are required for meetings, rallies, or marches. These permits are issued routinely, unless the Government believes the proceedings are likely to be directed against local authorities. Zambia has a profusion of associations and professional groups which serve as unofficial pressure groups on various economic, political, and social subjects.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution. Zambia has no state religion, and adherence to a particular faith does not confer either advantage or disadvantage. Although the Government lacks the constitutional authority, it has prohibited the Jehovah's Witnesses from proselytizing. Nevertheless, the sect functions openly, and its freedom to refrain from participating in various secular activities such as voting, singing the national anthem, and saluting the flag has been upheld in the courts and supported by senior party leaders. Christian missionaries from a wide variety of faiths operate in the country. Lay associations and religious youth groups operate independently of party control or influence.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

Police roadblocks are common, and vehicles and passengers are commonly searched. Under the longstanding state of emergency legislation, the President may restrict the movement of persons within Zambia, although this authority is seldom used and was not used in 1988. The Government also withholds or withdraws passports to prevent foreign travel by persons whose activities are considered inimical to Zambian interests. In 1988 the Government returned the passports of two senior trade union leaders, Newstead Zimba and Frederick Chiluba, which had been withdrawn the previous year (see Section 6.a.).

Zambia hosts a large refugee/displaced person population that originates in several strife-torn southern African countries. The UNHCR estimates that there are approximately 147,000 refugees and displaced persons in Zambia. The largest group of refugees is from Angola, totaling more than 97,000 persons. Nearly 30,000 Mozambican refugees have also entered in recent years. In 1987 the Zambian Government began moving Mozambicans from border areas to a resettlement center in the Eastern Province. The Zambian Government operates two other large refugee resettlement centers, and the Southwest African People's Organization operates one camp for Namibian refugees. Persons who have left SWAPO and other "liberation groups" are subject to harassment by their former associates. However, UNHCR intervenes to provide protection and/or resettlement on a case by case basis. Government policy is to offer Angolan and Mozambican refugees who arrived after September 1985 the option of moving to a resettlement center or returning to their country of origin. Although there have been allegations, there have been no substantiated reports of

forcible repatriations under that policy. Eleven Angolan refugees detained in late 1987, reportedly for suspicion of sympathy with the Angolan opposition force, the National Union for the Total Independence of Angola, were released from detention in 1988 and placed under the protection of the UNHCR pending resettlement to a third country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Zambian citizens do not have the right to change the Government. Under the Constitution, UNIP is the sole legal political party, and it has an estimated membership of less than 10 percent of the adult population. Power is concentrated in the hands of the President as leader of the party and Head of State. He plays a dominant role in determining the membership of Zambia's top executive institutions, the party Central Committee and the Cabinet, although traditionally both bodies contain a general balance of regional and tribal representation. Candidates for political office at any level must be members of the party and are subject to close examination by the Central Committee. In practice, the political system is open to persons of somewhat divergent opinions, provided they are willing to work within the one-party structure and not challenge the President's preeminent position.

In August UNIP approved a number of changes to the party constitution designed to strengthen the party, including the creation of a "control commission" to enforce discipline in the party, government, and state-owned industries. The party rejected efforts to diminish party supremacy over other government institutions, including proposals to provide for the popular election of central committee members and to introduce a clause into the party constitution guaranteeing the independence of the judiciary and Parliament from party supremacy.

The National Assembly, which generally reflects constituent interests, resisted government and party efforts in 1988 to increase control over the Parliament. On several occasions, the President publicly criticized Members of Parliament and warned that appropriate action would be taken against those who opposed party policy. Nevertheless, Members of Parliament spoke out against government expenditures, poor services, and economic reforms, and defeated a government attempt to change the manner in which Members of Parliament are elected.

In the parliamentary elections in October 1988, the party tightened its control. While 609 candidates contested 125 seats, thus assuring some choice between UNIP candidates, another 138 persons (including several incumbent Members of Parliament who had been critical of government policy) were not permitted to stand as parliamentary candidates when their applications were vetoed by the UNIP Central Committee.

In 1988 there were 7 women on the party's 68-member Central Committee. In the October elections, 7 women were elected to the National Assembly. Presidential and general elections are by universal suffrage. The numbering of ballots, which can be cross-checked against voter registration numbers, could undermine the secrecy of the ballot.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There is no public record of the Zambian Government having been the object of such investigations during 1988. The Government neither encourages nor hinders inquiries or visits by human rights organizations. The Zambian Law Association is active in the human rights field. The Government did not respond to Amnesty International's (AI) 1987 report on Zambia. There is an AI chapter in Lusaka.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

The 7-million population comprises more than 70 Bantu-speaking tribal groupings. Economic and social needs are met on a generally nondiscriminatory basis. The Government's withdrawal of trading licenses from a number of Asians (see Section 1.f.) in an effort to battle black-marketeering was interpreted by many in that community and elsewhere as discriminatory and an aberration from Zambia's traditional respect for all races.

Under statutory law, women generally enjoy full equality with men, and women participate increasingly in Zambia's social, economic, and political life. They hold some senior positions in the party, government, and judiciary and are gaining increasing representation in the professions and higher education. Nevertheless, the majority of Zambian women still occupy traditional roles. Customary law and practice sometimes conflict with Zambia's Constitution and codified laws in rural areas. Customary law places women in subordinate status with respect to property, inheritance, and marriage. The Law Development Commission is seeking ways to remove such anomalies. In Zambia's traditional society, women's primary role is bearing and raising children, but they also make a major contribution to food production. Female students may be admitted to secondary school with lower passing marks than male students as part of Zambia's "affirmative action" program.

Section 6 Worker Rights

a. The Right of Association

Zambia has a history of strong labor union organizations, dating from the establishment of copper mines during the 1930's. Zambia's 18 national large unions, which are organized by industry or profession, are all members of the Zambia Congress of Trade Unions (ZCTU), the sole legal confederation.

The ZCTU is not controlled by the party or the Government, and union leaders frequently criticize government policy on such subjects as wages, economic policy, conditions of service, and labor representation in party and government organs. The ZCTU is democratic and regularly conducts open elections to select its leadership. It is active in the International Labor Organization (ILO) and is a member of the Organization of African Trade Unicn Unity.

The Government confiscated the passports of the Chairman of the ZCTU, Frederick Chiluba, and of ZCTU General Secretary Newstead Zimba, upon their return from the ILO conference in

June 1987. Prior to the conference, there had been a similar problem, and the Government claimed that these measures had been taken for "security reasons." The confiscation measures prevented Chiluba and Zimba from attending various international trade union and ILO meetings. After several interventions from the International Confederation of Free Trade Unions, the ILO, and others, the Government decided in April 1988 to return the passports to Chiluba and Zimba and to allow them to attend the ILO conference in June.

In support of the ZCTU, the ILO Committee on Freedom of Association (CFA) criticized Zambia on several issues in 1988. For example, the CFA, citing a disagreement between the ZCTU and the Government over the selection of labor leaders to participate in training courses abroad, recommended "...that the choice of unionists to take part in purely union-organized training courses, wherever held, be left to the workers' organization or educational institution responsible for such activities...."

With the economic downturn, there has been considerable labor unrest, often in the form of wildcat strikes. Under existing legislation, strikes are permitted only after all other recourse has been exhausted. Virtually all strikes are illegal, since they almost always commence before the mandatory process of mediation has run its course. The Government normally has relied on persuasion and continued mediation to end strikes once they have begun. However, in 1987, after a series of wildcat strikes, President Kaunda declared the Government would not tolerate further illegal strikes. He announced that workers in essential industries who went on strike would be arrested, while nonessential strikers would be fired. In June 1988, the Government initiated legal action against teachers who went on a wildcat strike early in the year, but no cases had actually gone to court as of December 1988. In October the management of the government-owned newspaper, Daily Mail, sacked 250 striking printers (union members) who had refused to sign a pledge to follow established grievance procedures. Management gave the striking printers 24 hours to reapply for their jobs. (All but 46 went back to work.)

b. The Right to Organize and Bargain Collectively

ZCTU's right to organize and bargain collectively with employers is codified under regulations in the Industrial Relations Act (IRA). The IRA provides a mechanism for initiating and settling worker-employer disputes and provides for the establishment of an Industrial Relations Court. These rights are respected in practice. Union rights against management interference have been readily upheld by the Industrial Relations Court. There are no export processing zones in Zambia, and labor legislation is applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Slavery, involuntary servitude, and forced labor are prohibited by the Constitution. Generally, these prohibitions are observed in practice. For some years, the ILO Committee of Experts has urged the Government to modify or repeal certain provisions of the Public Security Regulations, under which public employees in certain services may be prohibited from leaving their employment, to insure the observance of Convention 29 on forced labor.

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d. Minimum Age for Employment of Children

Age restrictions apply to the industrial sector, and there are only a few employees under age 16. However, persons under age 14 are often employed in the commercial and subsistence agricultural sectors.

e. Acceptable Conditions of Work

While the majority of Zambians are subsistence farmers, about 47 percent of the people live in urban areas, and the migration to cities is increasing. Zambian law regulates minimum health and safety standards and worker rights in any industrial undertaking, and the Government generally attempts to enforce the regulations. Boards appointed by the Government, which include worker and employer representatives, fix minimum wages, overtime pay rates, and conditions of employment. An average minimum wage in the mining industry, for example, is $70 per month which is sufficient to provide an adequate standard of living. The normal workweek is 40 hours. Women are legally excluded from night work and a variety of hazardous occupations.

ZIMBABWE

Zimbabwe is governed by an executive president, Robert Mugabe, and his Zimbabwe African National Union (Patriotic Front), ZANU(PF), which has dominated the legislative and executive branches of government since independence in 1980. The National Assembly was last elected by secret popular vote in the 1985 general elections. The only other major political party, the Zimbabwe African Peoples Union (ZAPU), served until recently as the parliamentary opposition. In December 1987, the leadership of ZANU and ZAPU signed an agreement to unify the two parties. This agreement was subsequently ratified at separate party congresses held in the spring of 1988. The unity process was expected to be completed in 1989.

The security forces are divided into three branches. The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. The Central Intelligence Organization (CIO), attached to the President's office, has both intelligence and counterintelligence functions. The armed forces, particularly the army, are involved in major external operations in Mozambique in support of that country's Government and also in internal security operations, particularly with regard to securing the eastern border against infiltration by bands of the Mozambican National Resistance (RENAMO) guerrillas operating from Mozambique. The army was also previously active in antidissident operations in North and South Matabeleland, the western provinces of Zimbabwe. During the period 1982-85, the security forces were deployed in these provinces to put down antigovernment dissidents. These operations resulted in serious human rights abuses.

Zimbabwe has a mixed economy that features well-developed agricultural and industrial private sectors. Economic growth is constrained, however, by a chronic shortage of foreign exchange to purchase needed commodities from overseas. In an effort to reduce dependency on South African transportation links (the greater portion of Zimbabwean foreign trade moves through South African ports), the Government deployed a significant portion of its armed forces inside Mozambique to safeguard road and rail links connecting Mozambican ports to Zimbabwean cities while at the same time supporting the Government of Mozambique against the RENAMO insurgency. Overall the economy improved moderately in 1988 due to the mining sector's recovery and heavy rains which helped agriculture rebound from serious drought.

The ZANU/ZAPU unity agreement in December 1987 contributed significantly in 1988 to a trend towards decreased human rights abuses by government security forces. Prior to the agreement, security forces in the western provinces persecuted ZAPU members and curtailed ZAPU party activity. Since the formation of a new cabinet in January, political tensions in western Zimbabwe have relaxed remarkably. At the same time, dissident violence came to an end with the announcement of an amnesty program in April. The Government used threats of raids by RENAMO guerrillas across the eastern border and infiltration by agents of the South African Government as justification for once again extending the state of emergency in July, which permits long-term detention without charge or trial. The civil war in Mozambique caused over 100,000 Mozambicans to seek refuge in Zimbabwe. Although the Government provided above-average relief assistance to refugee camp residents, there were credible reports that Mozambican refugees were on occasion refused entry into Zimbabwe by

security forces on the border and that at least 8,000 Mozambicans were forcibly repatriated, without the benefit of United Nations High Commissioner for Refugees (UNHCR) protection, by Zimbabwean authorities in 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known reports of political killings by government security forces in 1988. The murder of unarmed civilians by armed "dissidents" operating in North and South Matabeleland and Midland provinces continued until April 19, when President Mugabe announced the Government's amnesty program. The final attack by dissidents took place on that date when a missionary was killed and another seriously wounded. There were no further significant attacks by dissidents after the April amnesty announcement, and 113 dissidents surrendered to security forces. This amnesty was part of a wider program of reconciliation between the ZANU-dominated Government and the erstwhile ZAPU opposition. The Government pardoned 88 members of the police, army, CIO, and ZANU Youth League, who were convicted or accused of crimes in connection with antidissident activities. A CIO officer, condemned to death in 1988 for the shooting death of a prisoner whom the officer was interrogating, was also pardoned.

In the eastern border areas, RENAMO guerrillas continued brutally to attack and kidnap unarmed civilians. One white commercial farmer was shot and wounded by RENAMO, but the vast majority of RENAMO attacks have been on peasants in the communal farming areas. RENAMO purports to be attacking Zimbabwean targets in retaliation for Zimbabwe's military support for the Government of Mozambique. Reports of some of these cross-border attacks appeared in the local press, and while the total number of these killings by RENAMO guerrillas is not publicly available, it is thought to number in the hundreds.

b. Disappearance

Human rights observers reported no new cases of disappearances attributable to the Government. However, no progress was made in locating those persons, most of whom were from Matabeleland, who disappeared during the security forces' crackdown in 1982-85. A group of relatives of some of those who disappeared from the Silobela Communal Lands continued to pursue their lawsuit against government officials who they allege failed to investigate adequately the disappearances.

RENAMO guerrillas, attacking civilian targets in the eastern border areas, continued to abduct people, forcing them to serve as porters for looted goods to be carried back into Mozambique. The Government has not disclosed the number of Zimbabweans who were kidnaped by RENAMO, but relatives of these kidnaped persons have reported that many of them never returned home and are presumed dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The leading human rights organization in Zimbabwe did not receive any complaints of torture by security forces in 1988,

and the local press published only one allegation of torture by security officials. This allegation was made by Odile Harrington, a South African national who was then on trial (and subsequently convicted) for spying for the South African intelligence service. The Chief Justice, in reviewing the trial and sentence, noted the failure of the prosecution and trial judge to respond to these allegations, and reduced the sentence from 25 to 12 years for extenuating circumstances.

There have also been unpublicized allegations, which were not reported to local human rights groups, of torture or mistreatment of persons arrested in 1988 by the security forces investigating South African espionage and infiltration activities. One such prisoner, Philip Conjwayo, one of the three "Trenance Bombers," alleged that the police had applied electric shocks and held his head under water during his interrogation. Evidence presented by physicians during his trial was inconclusive. There have been few, if any, instances of police or security officials being tried and punished for such abuses in recent years. Although there is no pattern of official police mistreatment, brutality by police officers did occasionally occur, and police used excessive force in putting down student demonstrations in September. In July the local press gave prominent attention to a complaint by a woman that she and her baby were kicked and beaten by a policeman during a disagreement over a hospital bill.

In January the Supreme Court ruled that corporal punishment is unconstitutional. The practice has since stopped.

d. Arbitrary Arrest, Detention, or Exile

Zimbabwean criminal law, in theory and practice, requires that a person arrested on a criminal charge must have a preliminary hearing before a magistrate within 48 hours. At that hearing, the magistrate decides whether the arrested person should be released on bail or held in custody until trial. However, the Minister of Home Affairs can issue a certificate which denies bail to a person under arrest even if the court has approved it. The Government has often used this prerogative in security-related or exchange control violations.

The state of emergency empowers security officers to detain persons without charge for up to 30 days; after 7 days they must be informed of the reasons for detention which may be quite vague. The great majority of detainees are held only for a short time. It is impossible to estimate the number of short-term detainees at any one time.

There are, however, a few cases of detainees who are held beyond the 30-day limit. Any person held in detention over 30 days is entitled to a review of the grounds for the detention order by a special tribunal, which may recommend continued detention or release. The President may order the Ministry of Home Affairs to overrule the tribunal's decision, as was done in 1987 in the case of John Austin and Neil Harper, who had been detained since 1986 on suspicion of spying. In January 1988, however, Austin and Harper were released from detention on the recommendation of the review tribunal.

The Government has made extensive use of its emergency powers regulations in vaguely defined security cases, particularly in the absence of solid evidence of wrongdoing. In 1988 these regulations were invoked primarily in the Government's

campaign against RENAMO and South African infiltrators. For example, the local press reported on August 2 that the Government dropped charges against six persons who were facing trial on accusations of contravening the Official Secrets Act. Nevertheless, the Government still considers these persons to be serious threats to public security and continued to detain them under the state of emergency regulations. They were arrested in September 1987 on suspicion of spying for the South African Government. It is unlikely that the Government will allow the state of emergency to lapse in the near future.

Detainees are not held incommunicado. They are permitted private consultations with legal counsel "without delay." Persons are also provided with the reasons for their detention so that they can make meaningful representations before the review tribunal. Human rights groups observed a significant decrease in 1988 of the number of persons held in long-term detention, but no one outside the Government is certain of the exact number of long-term detainees. Informed estimates range from 5 to 20. One RENAMO operative was tried and convicted in Zimbabwe for terrorism and murder, but there are credible reports that very few, if any, RENAMO forces are detained in Zimbabwe.

In most security or political cases, the Government orders the arrest and prosecution of persons under the Law and Order (Maintenance) Act, which provides sanctions for illegal acts of a political nature, and occasionally under the Official Secrets Act. Such cases are handled as part of the criminal judicial process, including recourse to public trial.

Exile is not employed by the Government as a means of politically controlling dissidents. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Zimbabwe's legal system is based on a mixture of Roman-Dutch law and English common law practices and procedures which presume the innocence of a person on trial. The judicial system is divided into three levels: magisterial (set up in ascending tiers of district, provincial, and regional courts), the High Court to hear cases of capital crimes, and the Supreme Court for appeal. There is also a system of customary courts that adjudicate a very limited range of civil complaints at the community level. In November the Government announced that it would be restoring to traditional chiefs some of the judicial powers and functions that had been taken away at independence. Decisions by the chiefs would be appealable in the regular court system.

The judicial system is independent of government control and does exercise its freedom to decide against the Government, even in controversial cases. While some magistrates lack thorough training and are inexperienced, many judges, particularly those on the High Court and the Supreme Court, have good judicial reputations. According to statute, the executive branch is not obliged to award damages to plaintiffs, even if so ordered by the courts.

All trials are open to the public, except in very rare cases in which the Government orders the proceedings be held in camera. The Government has resorted to in camera proceedings, sometimes held in prison, in certain security cases. The Government was particularly concerned about the security of

alleged South African agents in custody because of an abortive attempt in June by presumed South African operatives to intercept and free the accused on their way to the courthouse for trial.

Defendants must in most cases retain their own counsel in view of the dearth of public defenders. Public defenders are only available to persons accused of capital crimes. There is a serious shortage of practicing attorneys (estimated to number fewer than 500, most of whom are concentrated in the principal urban areas). Because of the relatively prohibitive cost for most people to engage a private attorney, the vast majority of civil and criminal trials are heard without the presence of defense counsel. The right to appeal exists for all cases.

A substantial case backlog resulted in considerable delays in bringing many cases to trial. The backlog is, to a large extent, due to the lack of resources and trained personnel. The police are often slow in assembling the case docket, which must be completed and transferred to the prosecutor's office before a trial date can be set. Delays of more than a year are common. The court reviews every 2 weeks the cases of all persons awaiting trial. In a few cases of prolonged delay, magistrates have threatened to release the accused if the police did not complete the case docket forthwith.

With the advent of ZANU-ZAPU unity and amnesty, there are no political prisoners as such in Zimbabwe. A sizable number of erstwhile ZAPU members or supporters are still in prison for dissident-related criminal acts, such as desertion from the army or armed robbery, which may have been politically motivated. These persons were tried in open court, duly convicted, and sentenced according to law. They have not, however, benefited from the presidential amnesty granted to dissidents who were still at large on April 19, nor have they benefited from the pardon which was extended to some members of the security forces and ZANU organizations who had been convicted of similar crimes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution formally protects citizens from arbitrary search or entry. Under emergency powers regulations, however, a police officer may stop and search any person, or enter any area, without a warrant when the officer has "reasonable grounds" for believing evidence of a crime may exist.

Since the signing of the unity agreement, the government party (ZANU) has employed persuasion rather than intimidation to recruit new party members. Some observers believe that there are social and professional advantages to ZANU party membership.

It is widely believed that the Government monitors private correspondence and telephones, particularly in overseas connections. However, no cases or public complaints were filed with the courts in 1988.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression but allows for legislation limiting this freedom when the "interests of

defense, public safety, public order, state economic interests, public morality, and public health" are involved. The Government tends to interpret broadly its power to discourage free speech.

It is generally assumed that speakers at public events are under surveillance and may be subject to police action if their remarks are judged too controversial. The Law and Order (Maintenance) Act provides for the prosecution of persons who make racially inflammatory remarks. These few cases are usually considered misdemeanors punishable by fines. The most recent such case was that of Gerald Ernest Brits, who was arrested and released on $15 bail in September for allegedly writing a document containing abusive references to the President.

With the exception of the Financial Gazette, Zimbabwe's major print media (five English-language newspapers and one vernacular broadsheet) are controlled by the state enterprise, Mass Media Trust. Other smaller, privately owned print media are, however, allowed to operate. Television and radio are wholly government owned. During a July 31 television broadcast, the Minister of Information, Posts, and Telecommunications stated that he meets regularly with editors of the print media and makes suggestions on editorial content. Senior media officials tend to follow closely the official government/ruling party line, and they practice a high degree of self-censorship. Editorials which contradict the main tenets of government policy, criticize the ruling party, or question the actions of senior government or party officials are rare but not unknown.

In 1988 there were initially signs that the unity agreement, by relaxing political tensions, may have benefited free speech and press. Parliamentary debate was franker, perhaps because those who made statements critical of the Government could no longer be charged with "aiding and comforting the opposing party." Some frank press reports appeared, on such topics as government corruption, the country's economic problems, and criticism of suggestions that Zimbabwe should move toward a one-party state. However, in October the ruling party expelled Edgar Tekere, an outspoken Member of Parliament, because he had publicly criticized the party, and because his statements about corruption and the threat posed to democracy in Zimbabwe by a one-party system were supposedly "false." He remains a Member of Parliament. In November the Government reportedly told the local press not to report news concerning Tekere. This resulted in a noticeable blackout of news concerning the politician. Shortly after Tekere's expulsion, the CIO reportedly detained an editor of one of the more candid newspapers and questioned him for several days before releasing him.

A number of scholarly journals are published in Zimbabwe, and university professors regularly participate in public conferences and seminars. While much academic criticism is directed at political and economic problems allegedly generated by the South African Government's destabilization policies, professors did on occasion criticize the policies of the Zimbabwean Government and some cabinet ministers. Police reacted harshly to university demonstrations in September against corruption, which appeared to lend support to government critics in Parliament. Two law professors were questioned about allegations that they helped organize the demonstrations, and one of the professors, an expatriate, was

deported on 48 hours' notice. The law faculty protested the deportation, particularly the fact that no reasons were given for the deportation order, and therefore the professor had no opportunity to refute allegations against him. Many students and faculty members felt that the deportation was intended to warn the university against opposition to the Government and feared that it would undermine academic freedom in Zimbabwe.

b. Freedom of Peaceful Assembly and Association

The Constitution formally provides for the right of assembly and association for political and nonpolitical organizations. These organizations include a broad spectrum of economic, professional, social, and recreational activities. In practice, however, there are certain restrictions to the full exercise of this right with regard to political associations, particularly those advocating racially or socially divisive programs.

Police permits are required for public meetings and political rallies. In 1988 these permits were routinely issued. While ZAPU was effectively banned during part of 1987, in 1988 the Government encouraged ZAPU to meet and organize to promote the integration of ZANU and ZAPU structures and cadres under the unity agreement.

Several university student demonstrations were dispersed by police in 1988. In March a demonstration on the campus of the University of Zimbabwe was dispersed by police after a day-long confrontation. Police also dispersed with tear gas and truncheons three demonstrations in September by university and polytechnic students. Students complained of the brutal police reaction to the latter demonstrations in which over 400 students were arrested and an undetermined number of demonstrators and police were injured. Eight students were charged with participation in an unauthorized demonstration; the remaining students were released after 24 hours in detention.

There are numerous business and employers organizations, professional associations, trade unions, and recreational and sporting clubs that are free of governmental interference. It is widely accepted, however, that the Government would intervene in the affairs of an organization which espoused a political program (such as racism, tribalism, support for apartheid or for the previous regime) that is considered antithetical to the tenets of the Constitution.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government respects freedom of religion. There is no state-established or state-sanctioned religion. Denominations are permitted to worship openly, pursue social and charitable activities, proselytize, instruct, and maintain ties to affiliates and coreligionists abroad. Religious observance is neither a handicap nor an advantage in terms of professional or political advancement. Many government and party leaders received their education in Christian mission schools, and some are in fact clergymen. Elective courses in religious studies are part of the secondary school curriculum. The Pope visited Zimbabwe in September. In addition to Christian denominations, there are small communities of Jews and Muslims.

The Government, in a few isolated cases, intervened in previous years to settle disputes within smaller religious groups. There were no reports of such interventions in 1988. The Government also expressed concern about conservative evangelical organizations which are suspected of having ties with RENAMO guerrillas.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is no government policy or practice to restrict or limit domestic or foreign travel (including travel to South Africa). Government controls on the export of currency are, however, a serious practical obstacle to foreign travel. Citizens are free to emigrate but are not guaranteed the right of return if they were not born in Zimbabwe. Repatriates from South Africa are always suspect, and they are also considered economic competition for Zimbabweans. The Government encouraged, however, the repatriation of Zimbabweans who sought refuge in Botswana either during the war of independence or during the 1982-85 troubles in Matabeleland. In 1988 some 2,600 Zimbabweans were repatriated under the protection of the UNHCR from the Dukwe refugee camp in Botswana, and most of the 900 remaining are expected to return in 1989-90.

Zimbabwe has in the last few years provided first asylum to an estimated 100,000 Mozambicans who fled civil war and economic deprivation in Mozambique. About 70,000 of these displaced Mozambicans are registered with the UNHCR as refugees; they are accommodated in four refugee camps located in eastern Zimbabwe. These camps, though well-run and providing above-average assistance, are overcrowded; the Government is planning to open two additional camps for refugees.

There are credible reports that security forces are preventing some Mozambican refugees from entering Zimbabwe. These reports contradict the Government's statements that it supports the right of Mozambicans to seek first asylum in Zimbabwe. It appears that the majority of Mozambicans who entered refugee camps in the latter part of 1988 were formerly long-time residents of Zimbabwe rather than recent arrivals from Mozambique. Also, at least 8,000-10,000 Mozambican refugees were forcibly repatriated in 1988 by local army commanders or civil authorities, but it is unclear if the Government authorized these repatriations or whether they were solely the result of arbitrary actions by local commanders.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In 1988 Zimbabwe was officially a pluralist parliamentary democracy with a popularly elected house of assembly, and citizens still had the right to change their government through democratic means. Local elections held in the latter part of 1988 were contested by multiple candidates from both ZANU and ZAPU as well as by some independents. However, in 1988, with the ZANU-ZAPU unity agreement, Zimbabwe was effectively becoming a de facto one-party state.

President Mugabe and his Cabinet are the preeminent political figures, and the ruling party, ZANU (soon to be fully unified with the former ZAPU opposition party), is the overwhelmingly dominant political organization in the country. Following the amendment of the Constitution in 1987 to create an executive

presidency, the President became in 1988 both the Head of State and Head of Government. Robert Mugabe, who previously served as Prime Minister, was elected by an electoral college (made up of the two houses of Parliament) as Zimbabwe's first executive President. In the future, the executive President is to be selected by popular election to a term of 6 years.

The debate over Zimbabwe's future political course continued in 1988. President Mugabe and some other senior ZANU officials have indicated a desire for a one-party state. Although the unity agreement was credited with promoting more open political debate and a decrease in human rights abuses in 1988, there were misgivings in some quarters as to the long-term consequences of creating a de jure one-party state. Some Members of Parliament publicly opposed the constitutional establishment of a one-party state, charging it would lead to an authoritarian state and to the end of political pluralism in Zimbabwe.

Nationwide parliamentary elections, largely contested between candidates for ZANU and ZAPU, were held in 1980 and 1985, and there have been numerous local contests which, despite some episodes of voter intimidation, were generally considered to have been free elections. Balloting is secret. Parliament has two chambers. Eighty of the 100 members of the lower house (the House of Assembly) are popularly elected from specific constitutencies to 5-year terms. Twenty Members of Parliament were nominated by the ruling party and elected by the House of Assembly. The members of the upper house (the Senate) are appointed by the President.

Women are active in both party politics and in the national and local government. A number of women sit in the House of Assembly, and President Mugabe appointed other women to the Senate in 1987. Six women serve in cabinet-level positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government in previous years reacted negatively to charges by international nongovernmental organizations of human rights abuses. It has not permitted Amnesty International (AI) to operate in Zimbabwe since 1986. Zimbabwe was host to an AI-sponsored rock concert in October, held to promote respect for human rights, which received widespread publicity in the government-operated media. The International Committee of the Red Cross (ICRC) has an office in Harare, but ICRC delegates have not been permitted to conduct prison visits. The ICRC has a program--now winding down--in Matabeleland to support the families of persons who have been held in detention. The UNHCR also has an office in Harare that worked to protect displaced Mozambicans and South Africans who sought refuge in Zimbabwe as well as to help in the repatriation of Zimbabwean refugees from Botswana.

Several private human and legal rights organizations have held two major international conferences in Harare in 1988.effective local operations in Zimbabwe and have operated without hindrance, including in producing their own publications and in holding meetings. The Catholic Commission for Justice and Peace (CCJP) investigates complaints from private persons about human rights abuses in Zimbabwe and conveys its findings to the Government, which in the past sometimes resulted in remedial action. In 1988 the CCJP did

not complain to the Government about human rights abuses. Several law firms and legal clinics and foundations also continued to be active in human rights education and representation of victims of abuse.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Government services are provided on a nondiscriminatory basis. The Government integrated the previous "whites only" infrastructure in the urban areas to provide health care and other social services to all. The Government maintains a heavy budgetary commitment to health and education spending despite severe fiscal constraints.

In social terms, Zimbabwe remains a somewhat racially stratified society despite bans against official discrimination. Although schools, churches, and clubs are all integrated, there continues to be only limited social interaction between racial groups. The "colored" (mixed race) and Asian community have been discriminated against in the allocation of civil service jobs, but the new Cabinet installed by President Mugabe in January 1988 includes a "colored" minister, a "colored" deputy minister, and an Asian minister. The white population is active in the private sector, including large-scale farming, and there are whites who are active in Government as Members of Parliament, local officials, and civil servants.

The status of women in Zimbabwe has advanced steadily, even though traditional attitudes and practices persist, especially in rural areas. In 1988 women are prominent in a number of business, civil service, and professional occupations, including the military and labor organizations. A woman was elected in July to serve as a vice president of the Zimbabwe Congress of Trade Unions (ZCTU), which has campaigned to enlist more women workers in the trade union movement. Women make up approximately 40 percent of the student body at the University of Zimbabwe, and there are a large number of women on the university faculty. Nonetheless, women are less frequently found in such traditionally male occupations as construction, transportation, heavy industry, and mining. The Government's statistical office estimates that women account for approximately 16 percent of the paid labor force. There have not been any thorough surveys to compare the wages of women to those of men.

The executive, legislative, and judicial branches have all been involved in protecting and enforcing laws affecting women's rights. Under government leadership, the Parliament has legislated a number of progressive laws to counter certain traditional practices, some of which are based on the view of women as dependents or minors. For example, the Legal Age of Majority Act and the Matrimonial Causes Act recognizes the capacity of women to act independently of their husbands or fathers and to own property. Parliament is also debating a bill which establishes certain rights for women with regard to the inheritance of property in the event that her deceased husband did not leave a valid will. This bill has generated considerable debate because it is at variance with long-standing customary law. Judges on the high courts have adjudicated cases upholding women's rights, including the right of women to inherit property.

The press has also been an important factor in disseminating information on the changing status of women. In 1988 the local press gave considerable attention to allegations of sexual harassment of women in the workplace, and newspapers featured a series of articles describing and debating measures to eliminate this problem.

Notwithstanding the progress, women are still considered vulnerable to customary practices that operate against their personal rights. Zimbabwean law prohibits "kuzvarira," the practice of pledging a young woman to marriage with a partner not of her choosing. However, unless the woman is well educated and outspoken, marriages based on "kuzvarira" still take place. The Matrimonial Causes Act has removed the customary obligation of a groom to pay "lobola" (a bride price) to the parents of his would-be wife, but the practice of lobola continues to be widespread.

The Child Protection Society of Zimbabwe challenged the customary practice of offering a young girl as compensatory payment in interfamily disputes. In September the Society gained court custody of a preteen girl pledged as restitution to the family of a man who was murdered by a member of the young girl's family. Newspapers featured articles that decried a variety of "bad customs" and a strong editorial that praised the actions of the Child Protection Society.

Section 6 Worker Rights

a. The Right of Association

Under the Labor Relations Act, workers enjoy freedom of association, have the right to elect their representatives, publish newsletters, and set programs and policies which reflect the political and economic interests of labor. The Labor Relations Act specifies that workers may constitute workers' committees in each plant and a trade union in each industrial sector and elect appropriate officers. The Act specifies that workers' committees and trade unions must be registered with the Ministry of Labor, but it also seeks to protect workers' organizations from arbitrary government interference. The Government does not control or restrict labor, but it has powerful levers affecting labor, notably in the handling of strikes and setting wages (see below).

Since independence, the Government has encouraged trade unions in the same industry to amalgamate. The process of amalgamation was completed in 1987. Seventeen percent of the salaried work force is organized in 22 trade unions which are members of the ZCTU, the umbrella confederation of the trade union movement. The ZCTU is the voice of organized labor, and its officers and members frequently speak or comment on social issues in public forums. ZCTU officers are elected by the delegates of affiliated trade unions at biennial conventions, most recently in July 1988. Neither the Government nor any political party nor any ethnic or tribal group has a preponderant influence in the trade union movement. Most trade unions suffer from meager budgets which prevent them from conducting a greater range of organizing and educational activities.

Workers have the right to strike providing that the trade union advises the Government 2 weeks in advance of its intention to do so. The right of unions to strike is further limited by the right of the Government to declare a specific

industry to be "essential" and therefore not subject to strike action. In practice, the Government has employed a very broad interpretation of what "essential" industries are, and strikes in Zimbabwe have been few and unsuccessful. Nonetheless, trade union officials continue to press the Government in public statements calling for the amendment of the Labor Relations Act to provide for a more liberal strike policy.

The ZCTU and its officers are active in the international labor movement and have affiliated with the Southern African Trade Union Coordinating Council and the Organization of African Trade Union Unity. The ZCTU maintains a nonaligned posture and has fraternal links with the International Confederation of Free Trade Unions and the World Federation of Trade Unions. A resident representative of the African-American Labor Center maintains links between the ZCTU and the AFL-CIO. Zimbabwe is a member of the International Labor Organization, which held two major international conferences in Harare in 1988.

Employers are also organized. They have formed industrywide associations to meet with the representatives of a particular trade union for industrywide collective bargaining. The various employers associations have confederated to form the Employers Confederation of Zimbabwe (EMCOZ). The president of EMCOZ meets with the ZCTU president and the Minister of Labor for tripartite discussions.

b. The Right to Organize and Bargain Collectively

Under the Labor Relations Act, workers have the right to organize. Workers' committees are empowered to negotiate with the management of a particular plant the conditions of labor in the workplace. Wages are negotiated on an industrywide basis but are effectively limited by the Government's minimum wage system (see below). In the case of a union-organized industry, the employers' association meets directly with a particular trade union. In certain cases when there is no trade union representing a specific industry, representatives of the unorganized workers meet with the employers' association under the mediation of labor relations officers from the Ministry of Labor. Perceiving that workers are at a disadvantage in negotiations with better-financed and better-educated managers, the Government believes that it is responsible for assisting workers with legislation and intervention with employers. Some trade unionists would prefer, however, that the Government allow workers to negotiate on their own and learn from their own mistakes rather than become dependent on the Government for negotiating assistance. All collective bargaining agreements must be ratified by the Ministry of Labor.

The Government sets minimum wages and has the capacity to impose wage and price freezes. A wage/price freeze imposed in July 1987 was removed in March 1988, and minimum wages were adjusted upward. Though the Government does not formally set a maximum wage, the Government has refused to ratify collective bargaining wage settlements which exceed the minimum wage with the argument that such settlements are inflationary. In such cases, employers and trade unionists revise their settlement, usually to conform with government guidelines.

The Government does not promote or support antitrade union discrimination, and labor laws are applied uniformly

throughout the country. There are no economic zones where trade union organization is impeded or discouraged.

c. Prohibitions of Forced or Compulsory Labor

Compulsory labor is prohibited by law in Zimbabwe and is not practiced.

d. Minimum Age for Employment of Children

Under Zimbabwean labor regulations, the minimum age for the formal sector is 18, but it is possible to begin an apprenticeship at 16. Children are employed in household enterprises, e.g., family farms, which the Government does not attempt to regulate.

e. Acceptable Conditions of Work

Conditions of labor are regulated by the Government according to industry. Based on collective bargaining agreements, the Government publishes labor regulations for each of 22 industrial sectors. These regulations specify wages, hours, holiday schemes, and required safety measures. The average workweek is 44 hours, and the law prescribes a minimum of one 24-hour rest period per week. The minimum wage for the agroindustrial sector is $91 a month. The employer also usually provides housing, food, and medical care to workers. On commercial farms, the employer may provide schooling to the children of workers. The minimum wage for commercial and industrial workers is $101 a month. The ZCTU continues to lobby for a higher minimum wage based on a 1981 report on incomes and wages that sets the minimum poverty line at $153 a month. The ZCTU uses this line as the basis for its "living wage standard." The Labor Relations Act provides considerable job security for workers. Under the Act, a worker may not be fired without Ministry of Labor concurrence that the dismissal is justified.

Labor relations officers from the Ministry of Labor are assigned to monitor developments in each plant to ensure that Government minimum wage policy, and occupational and safety regulations are being observed. Labor relations officers are authorized to handle worker grievances within the plant. Their decisions may be appealed to the regional hearing officer of the Ministry of Labor, and finally, to a special Labor Relations Tribunal, over which the Chief Justice presides.

ANTIGUA AND BARBUDA

Antigua and Barbuda is a small two-island state with a parliamentary democracy modeled after that of the United Kingdom. It is governed by a prime minister, a cabinet, and a legislative assembly. The Governor General, with largely ceremonial duties, is the titular head of state.

The Constitution requires general elections at least every 5 years. Prime Minister V. C. Bird and his Antigua Labour Party won an overwhelming victory in the 1984 general elections, capturing all 16 parliamentary seats in Antigua. The one opposition member of Parliament is the member representing Barbuda, who is nominally a political independent.

Security forces consist of a police force and the Antigua and Barbuda defense force, a 120-man infantry unit. The police are organized, trained, and supervised according to British law enforcement practices. The security forces have a good reputation for respecting individual rights in the performance of their duties.

Antigua and Barbuda has a mixed economy, with a strong private sector. Tourism is the major industry. In 1988 the economy registered a 7 percent increase in gross domestic product, the fourth straight year of high growth. External debt, however, continued to grow at a worrisome rate.

Antigua and Barbuda's generally good human rights record remained largely unchanged in 1988. The Constitution provides for political and civil rights, including the freedoms of speech and press, which are generally respected in practice, with the exception that opposition parties have little or no access to the government-dominated electronic media.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearances or politically motivated abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and other cruel or inhuman treatment of prisoners or detainees and these prohibitions are respected in practice.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, which do not occur in practice. Criminal defendants are guaranteed the right of judicial determination of the legality of their detention. Detainees must be brought before a court within 48 hours of arrest or detention. There were no reports of involuntary exile.

ANTIGUA AND BARBUDA

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Antigua and Barbuda's judicial system is modeled on that of the United Kingdom and is part of the Eastern Caribbean legal system. Final appeal may be made to the Queen's Privy Council in the United Kingdom and is invariably made in the case of death sentences. There are no military or political courts. Criminal defendants are assured a fair, open, and public trial. In capital cases the Government provides legal assistance at public expense to persons without means to retain a private attorney. There are no political prisoners in Antigua and Barbuda.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The leader of the major opposition party has claimed that his mail was routinely opened before delivery. No evidence to support his assertion has been made public, and the Government has not responded to questions about it. There have been no other reports of arbitrary police or government actions against a person's home, family, or privacy. The police must obtain a warrant before searching private premises.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, the press, and other forms of communication; these provisions are generally respected. However, the Government dominates the electronic media, which is the only source of daily news. The Government owns one of the two radio stations and the single television station, and the Prime Minister's family owns the second radio station. Opposition politicians have not been able to obtain air time to present their positions. ABS radio and television report regularly on the activities of the ruling party but rarely on those of the opposition. Criticism of the Government appearing in wire service regional reports is not aired in Antigua.

Weekly newspapers representing the opposition publish a variety of opinions. They are free to criticize the Government and do so regularly. Religious organizations also publish their own newspapers.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly. Public meetings and organized demonstrations are held without police interference. The required permits for public meetings are routinely granted.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is unrestricted exercise of religious freedom. The population is overwhelmingly Protestant, but adherents of other religious denominations proselytize openly without government interference. All groups are free to maintain links with coreligionists in other countries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Neither law nor practice restricts the right of citizens of Antigua and Barbuda to move about within the country, to travel abroad, or to emigrate.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Antigua and Barbuda has a multiparty political system accommodating widely divergent views. All citizens 18 years of age and older may register and vote by secret ballot. The Constitution requires general elections at least every 5 years. Individual parties conduct voter registration drives free from government interference. The Government is obligated by law to hold voter registration during a fixed period each year.

The Antigua Labour Party (ALP) led by Prime Minister V. C. Bird Sr. has been in power since 1951, except for a period in opposition from 1971 to 1976. The 1984 elections, conducted fairly and openly, resulted in the ALP winning every constituency in Antigua. In Barbuda, an independent who rarely disagrees with the Government, won the sole seat and became the Government's only parliamentary opposition.

In 1988 the opposition continued energetic attacks on government policies but asserted that the ALP's longstanding monopoly on patronage and its influence on the economic life of the country make it extremely difficult for an opposition party to attract membership and financial support. On the smaller island of Barbuda, with less than 2 percent of the country's total population, separatist sentiments remain strong.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Internationally recognized human rights organizations have not expressed concern about Antigua and Barbuda. There were no requests for human rights investigations or inquiries during 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Law and practice prohibit discrimination based on race, sex, creed, language, or social status. The role of women in society is not restricted by law, but tradition tends to limit women to home and family, particularly in rural areas. As elsewhere in the region, these traditional roles are changing. The Government has begun programs to provide enhanced educational opportunities for both sexes as well as family planning services. Under the energetic prodding of the Government's "Women's Desk," women are moving up in government and the professions, but more slowly in the private sector.

ANTIGUA AND BARBUDA

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to form labor unions. Although fewer than 50 percent of Antigua and Barbuda's workers belong to unions, the important hotel industry is heavily unionized. Unions are free to affiliate with international labor organizations and do so in practice.

Antigua and Barbuda has two major trade unions: the Antigua Trade and Labour Union (ATLU) and the Antigua Workers' Union (AWU). The ATLU is associated with the ruling ALP, while the AWU is allied with the opposition United National Democratic Party. During 1988 the ATLU did not hesitate to criticize government policies and practices with which it disagreed.

The right to strike is recognized by the Labor Code. This right can be limited in a given dispute by the Court of Industrial Relations. Once either party to the dispute requests the Court to mediate, there can be no strike until the Court has reached a decision. Because of the delays associated with this process, in practice labor disputes are often resolved before a strike is called.

b. The Right To Organize and Bargain Collectively

Labor organizations are free to organize and bargain collectively. There are no areas of the country where union organization or collective bargaining is discouraged or impeded.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and forced labor, which do not exist in practice.

d. Minimum Age for Employment of Children

The law provides a minimum working age of 13, which is respected in practice.

e. Acceptable Conditions of Work

The workweek is 40 hours in 5 days. Workers are guaranteed a minimum of 3 weeks annual leave and up to 13 weeks of maternity leave. There are no occupational health and safety laws or regulations. Different minimum wages for different professions were established by law in 1981. Most such minimum wages would not provide a decent standard of living for workers and their families, but the great majority of workers earn much more than the minimum wage. A committee is reviewing these minimum wages, which are expected to be raised substantially. Some representative minimum hourly wages at the present: household domestics $0.50; unskilled laborers $0.61, construction workers $0.93; skilled workers $1.30.

ARGENTINA

Argentina is a federal, constitutional democracy with a president elected through an electoral college for a single 6-year term, a bicameral legislature, and an independent judiciary. Traditionally, the executive is the dominant branch in the Argentine Government. Since the end of military rule in 1983, there have been three national elections. Through most of 1988, the nation directed its political focus towards preparations for the 1989 presidential and congressional elections. Fair and hard-fought party primaries produced three main presidential contenders, representing a broad political spectrum from conservative to center-left.

The President is constitutional Commander-in-Chief and a civilian Defense Minister oversees the armed forces. The federal police report to the Interior Minister; provincial police are organized under provincial constitutions and report to locally elected provincial governors.

Argentina has some serious economic problems. By some estimates, real purchasing power has dropped by as much as 40 percent since 1983 and annual inflation has averaged well over 100 percent during the past 3 years. Argentina has been unable to make payments on its more than $55 billion foreign debt without fresh infusions of external capital several times a year. The state-owned enterprises are generally unprofitable, foreign investment is weak, and capital flight is a problem. The economy continued to deteriorate in 1988, but monthly inflation was reduced to 6 percent in November.

Civilian-military relations dominated the human rights agenda for most of the year. In January, army Lt. Col. Aldo Rico, with many of the same officers who participated in the Easter week uprising of 1987, led a mutiny against the army high command. The mutiny was suppressed by forces loyal to President Raul Alfonsin, and most of its participants were arrested and at year's end awaited trial in Villa Devoto military prison. All of their cases remain in the lengthy judicial investigative stage. In December 1988, demands for changes in the army hierarchy, higher pay, and general amnesty for past human rights abuses led to another army mutiny. Forces associated with Col. Mohamed Ali Seineldin seized army installations in the Buenos Aires area. Col. Seineldin returned from Panama to lead the rebellion, but the insurrection collapsed after 4 days. This mutiny resulted in 4 deaths and more than 30 injuries. Col. Seineldin was under military detention at year's end. The fate of his other supporters remains unclear. The Government stated it did not agree to any conditions to end the rebellion.

The Supreme Court dismissed charges for past abuses against all but 19 retired generals and admirals pursuant to the 1987 "due obedience" law rescinding legal responsibility of officers who did not have independent command. Civilian and military courts convicted participants in an attempted takeover of the Buenos Aires domestic airport during the January mutiny. Six retired senior officers were tried in civilian court for negligence and incompetence in the 1982 South Atlantic war.

Human rights concerns in 1988 focused more on accounting for past abuses during military rule than on policies of the current civilian Government. Congress passed an important antidiscrimination law in August. Politically motivated

bombings continued through 1988 at a disturbing, but not destabilizing, rate. In general, the Government continued its good record for protecting human rights during 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no credible reports of political killings carried out by the Government in 1988. Human rights organizations, political groups, and the press criticized police for several deaths which appeared to involve excessive use of force in dealing with criminal suspects. The Center for Legal and Social Studies twice issued public declarations condemning provincial police forces for specific unjustifiable killings. Critics charge that police routinely shoot to kill.

Politically motivated bombings continued. Most were small explosions late at night, causing little damage or injuries, but there was a major upsurge of incidents in the Buenos Aires area in late March-early April. Targets through the year included national political parties, military, church, press, judicial officials, political figures of the extreme right and left, and public buildings. At least two people were killed in the bombings. Federal police arrested some suspects during the year, principally from the rightwing "Alerta Nacional" organization, but did not solve most of the incidents. The perpetrators never formally claimed responsibility for the bombings. In December, a bombing at the headquarters of Argentina's Communist Party caused major structural damage to the building and minor injuries to four persons working inside. No one claimed responsibility, but Communist party officials blamed rightwing paramilitary forces.

b. Disappearance

There were no known abductions, secret arrests, or disappearances linked to or condoned by the Government during 1988. There were kidnapings for criminal extortion, some allegedly involving active duty police officers. The Government made progress in breaking up one kidnap gang involving the National Police and two involving the provincial police of Buenos Aires. Evidence before the courts suggests the accused police officers operated for economic gain and without political motives.

The "Grandmothers of the Plaza de Mayo" human rights organization reported that 45 children whose parents disappeared during military rule (1976-1983) have been identified since 1984 (an increase of 6 over the previous year). Twenty-one were returned to their families, 12 remain with adoptive parents, 5 were determined to have died, and 7 custody cases are before the courts. In August and September, a federal court rendered a controversial decision when it determined that Juliana Trevino, the child of two parents who disappeared in 1977, should remain with her adoptive parents rather than her blood relatives. The case provoked intense public interest, and several Argentine human rights organizations have promised to appeal the judicial decision.

In a related development, the Argentine Government continued to press the Government of Paraguay for the return of 4

children tentatively identified as offspring of Argentines who disappeared during military rule, and cooperated with the United Nations Human Rights Commission (UNHRC) efforts to investigate the cases in Argentina and Paraguay. The cases are pending Paraguayan court decisions on Argentine requests for return of the children and extradition of the persons who claim to be their natural or adoptive parents to face kidnaping charges.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture. The criminal code provides penalties for torture which are similar to those for homicide. Argentina has ratified the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Human rights groups and critics accuse police of mistreatment of prisoners. Surviving family members charge that detainees died in police custody under suspicious circumstances in two instances: the Massone case in Rosario (in March) and the Viteleo case in Cordoba (in May). The accused police officers were suspended from active duty pending investigation of the charges. Investigations of claims of mistreatment are handled by the Undersecretariat of Interior for Human Rights and through judicial review. The number of formal claims of physical mistreatment filed in 1988 was small, totaling fewer than 20 before the Interior Ministry.

d. Arbitrary Arrest, Detention, or Exile

Argentina has a well-developed legal code containing explicit protections of individual rights and controls on police arrest and investigatory powers. Arrests require probable cause or a judicial order, and the law provides for a judicial determination of the legality of detention. However, the penal code gives the courts authority to detain individuals without notice or charges for up to 8 days during investigations. Even in the case of minor offenses, holding suspects without charges for several days is not uncommon. Involuntary exile is not permitted or practiced.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Argentina's judicial system is widely recognized as fair and independent, albeit slow and cumbersome. The Constitution and penal code provide for trials before judges and appellate review of all judicial rulings, including those of military courts. Federal courts interpret constitutional protection against "arbitrary" trial process to permit wide-ranging review of criminal prosecutions. As in most civil law countries, trial by jury does not exist; judges render verdicts.

The police have legal authority to adjudicate misdemeanors, which are often settled by senior police officials. A reform pending before Congress would create small claims courts for cases which involve small fines. The legal system provides public defenders, but 1988 caseloads exceeded their capacity. The right to bail is provided by law and observed in practice.

At the beginning of 1988, human rights organizations claimed there were 6 political prisoners incarcerated in Argentina, down from 12 at the start of 1987. The Government asserts

that these prisoners were convicted for violent crimes prior to the 1976 military coup, by constitutionally sanctioned courts whose verdicts could not be summarily overturned by the executive branch. Human rights groups charge that the prisoners were convicted under proceedings lacking in minimum due process, and the prisoners claim they confessed under torture or duress and were denied an adequate defense. Two prisoners were released in 1988 by applying a 1984 law which counts 1 year in prison since 1976 as 2 years served. Using the same formula, the remaining four should be released from prison by the end of 1989. The Inter-American Human Rights Commission (IAHRC) reviewed the case of one prisoner who had already been released and found deficiencies in the judicial process by which he had been convicted.

The homicide and kidnaping convictions and life sentence for Argentina's best known political terrorist, Montonero leader Mario Firmenich, were upheld on appeal in 1988. He has asked for review by the IAHRC.

In the course of the year, the Argentine Supreme Court ruled in a series of split decisions on the applicability of the "due obedience" law to all current and former military personnel accused of human rights abuses during military rule. Under that law, officers below a certain rank were presumed to have been acting under direct orders and are not subject to prosecution. Reviewing all pending cases, the court ruled that prosecutions against all but 19 retired generals and admirals were extinguished by the "due obedience" doctrine, the "Punto Final" statute of limitations, or other procedural defects. Remaining cases ruled still justiciable were returned to the Federal appellate courts for trial. The human rights community criticized the court's broad interpretation of the "due obedience" law as it had earlier criticized passage of the law itself. In other judicial actions, a civilian federal court tried six civilians accused of participating in the attempted takeover of the Buenos Aires domestic airport during the January military mutiny and sentenced them to varying lengths of incarceration for attempted rebellion. A military court-martial tried and convicted the military participants in that same airport takeover attempt. A Federal appellate court tried six former senior officers for negligence and professional incompetence during the 1982 South Atlantic war. Early in 1988, navy Lt. Alfredo Astiz was promoted to Lt. Commander over the objections of the human rights community, which accused him of serious human rights violations during military rule. President Alfonsin recommended that Astiz be separated from the service; the navy decision on separation is pending.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is constitutional protection against unreasonable search and seizure. Few cases of arbitrary intrusion by the State into the private lives of persons were reported in 1988. The actions by administrative prosecutor Ricardo Molinas in opening international commercial courier packages and envelopes as part of an investigation were declared an unreasonable violation of privacy by a federal court in 1988.

ARGENTINA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

A free and independent press covers a wide range of political viewpoints. Criticism of the Government is fully tolerated, and opposition viewpoints are vigorously expressed. The State owns 40 percent of the radio stations and controls the franchises on others. Three of the four nationally syndicated Buenos Aires television channels are government owned. In 1988 the firing by a government-owned television station of an outspoken conservative commentator generated charges of government intervention. The commentator has since signed a contract with a private station, where he continues to speak out on public issues on an unrestrained basis.

Argentina's national press association, the Association of Argentine Journalists (ADEPA), protested physical assaults by government security agents on members of the press at the National Congress in June and at a presidential event in September. The congressional and presidential press offices expressed regrets at both incidents. ADEPA also condemned a January incident in which a uniformed army officer pointed a pistol at a photographer covering events leading to the January Monte Caseros mutiny. The officer was subsequently identified and punished administratively within the army. Finally, ADEPA criticized the Government's proposed broadcasting regulatory law, singling out the provisions that give the right of reply to any political figure who is criticized on radio or television and a provision prohibiting simultaneous ownership of print and broadcast media. Government ownership of part of the electronic media is now a hotly disputed issue within government circles.

At its March executive council meeting, the Inter-American Press Association (IAPA) called for no further radio-television licensing in Argentina until the simultaneous ownership issue was resolved. It also supported elimination of high customs duty on newsprint. Subsequently, the Government announced to the September ADEPA meeting that newsprint import taxes would be eliminated. Given current high tariffs, implementation of this measure will benefit most newspapers considerably.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

All groups and political parties are free to organize and assemble. Argentine law requires political parties to support the Constitution and a democratic, representative, republican, and federal form of government in order to register for elections. At present, no party is denied registration. During the campaigns leading to the party primaries in 1988, all the major political parties held mass rallies without interference. The labor movement, human rights organizations, ethnic communities, and other groupings held frequent demonstrations and rallies without interference or incident.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for the free exercise of religion, but also establishes Roman Catholicism as the state religion. The Government provides financial support to the Roman Catholic church, and the Constitution requires the President and Vice President to be Roman Catholics. Other religions must complete a pro forma registration with the Government to obtain legal recognition. Missionaries from any religion are permitted to enter Argentina and proselytize, and the non-Catholic population is growing. Argentina's Jewish community (at an estimated 300,000, the largest in Latin America) practices its religion without interference.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

International and internal travel as well as emigration are unrestricted. Refugees are not forced to return to countries from which they have fled.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since September 1983, Argentina has held three national elections to choose a President, Vice President, provincial governors, all national deputies, provincial legislatures, mayors, and municipal councils. The elections were free, fair, and democratic. The Radical Party currently controls the executive branch, and the Radical and Peronist Parties share power in the Congress. Political parties ranging from left to right are represented in Congress as a result of the 1987 elections. Additional parties hold office in individual provinces. From the powerful Peronists to miniscule provincial movements, Argentina's opposition parties operate without hindrance.

Women and minorities have full political rights. Women participate actively in Argentine politics. There were scores of female candidates in the three national elections since 1983. Thirteen women sit in the 254-member National Chamber of Deputies, and 3 women sit in the 46-member Senate.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Amnesty International, the International Committee of the Red Cross, and other international human rights organizations enjoy unrestricted access in Argentina. Eleven domestic human rights organizations continued to operate openly in 1988, despite occasional and anonymous bombings, death threats, and harassment. Since 1983 the domestic human rights community has strongly and unanimously opposed all efforts to limit military accountability for abuses committed during military rule. The Government allowed full voice to the opposition, but in the end proceeded with the "Punto Final" and "due obedience" legislation.

In November an Argentine Federal court ordered the extradition of suspected Nazi was criminal Josef Franz Leo Schwammberger to Germany. Schwammberger has appealed.

Argentina plays an active role in both the UNHRC, where it chairs an important subcommittee of experts, and the

ARGENTINA

Organization of American States Inter-American Human Rights Commission. The Government has facilitated efforts by domestic human rights organizations to address both of these international bodies in opposition to the Government's judicial policies towards the military. It has cooperated with UNHRC efforts to investigate cases involving missing children from the 1976-83 period of military rule. The Government has ratified the American Convention on Human Rights (1984) and the U.N. Conventions on torture, civil and political rights, and economic, social and cultural rights (all in 1986). Argentina has accepted compulsory jurisdiction by the Inter-American Court of Human Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Congress passed a law in 1988 that authorizes criminal penalties for discrimination on the basis of race, sex, religion, and other categories.

Argentine women are active in government, the professions, politics, and private voluntary organizations. Although there is no official policy of discrimination against them, women have to contend with some bias that is rooted in cultural, economic, political, religious, and social structures. Women are underrepresented, for example, in senior government positions, the armed forces, police, and the business community. Working women generally have jobs that pay less than comparative jobs held by men. Argentina adheres to the U.N. Convention for the Elimination of Discrimination Against Women.

There is a history of anti-Semitism in Argentine society producing occasional anti-Semitic incidents. In the course of 1988, the Delegation of Argentine Jewish Associations (DAIA), Argentina's umbrella Jewish organization, condemned bombings against Jewish targets, anonymous threats, and threatening public statements by well-known public figures (none of them government officials). Senior government and political officials have condemned such acts. Many important officials attended DAIA's mass rally in repudiation of anti-Semitism early in 1988. DAIA has also criticized the unofficial but systematic exclusion of Jewish Argentines from important institutions such as the armed forces.

Section 6 Worker Rights

a. The Right of Association

There is the free right of labor association in Argentina. The labor movement is a major independent, economic, and political force. About one-third of the national work force is unionized. Previous military regimes suspended laws governing labor relations and systematically blocked many trade union rights. Congress passed legislation in 1987 enhancing the free right of labor association. It granted legal status to trade unions and guaranteed their right to strike, subject to compulsory arbitration by the Labor Ministry. Argentine organized labor enjoys the right of association with international organizations. The General Confederation of Labor (CGT), Argentina's national labor federation, participates actively in the International Labor Organization (ILO) in Geneva. In fact, the ILO honored Argentina's return to democracy in 1987 by inviting President Alfonsin to address its annual conference. Many Argentine

unions are affiliated with trade union international groups.

Unions have the right to strike--members have the right to receive their salaries while on strike until the Labor Ministry orders compulsory arbitration--and many exercised that right in 1988. The CGT led several strikes of 1 day or less, including controversial national strikes on September 9 and September 12. On September 9, a labor rally in Buenos Aires, protesting the Government's economic austerity plan, degenerated into large-scale violence. Organizers accused the police of precipitating the violence, and the Government accused extremist groups in the crowd. The September 12 strike was called to protest alleged police repression at that rally.

b. The Right to Organize and Bargain Collectively

Legislation passed by Congress in 1987 introduced binding collective bargaining between labor and management and generally reduced state involvement in labor relations. The Government continues to offer wage guidelines under its national "Plan Primavera" economic recovery program and directly sets wages in state-owned enterprises. In addition, under the new legislation (as under the old), if a striking union refuses to accept compulsory arbitration by the Labor Ministry, the workers lose their right to continued receipt of salaries during the strike.

Argentine labor law is uniformly applied throughout the country. Some provinces provide rights and obligations additional to those in federal legislation. There are no officially designated export processing zones.

Legislation passed by Congress in 1987 provided for free collective bargaining and established ground rules for industrial relations and trade union activities. Argentina's largest labor organization, the CGT, and its individual unions engaged in consultations with employers and the Government on issues affecting labor and the economy.

c. Prohibition of Forced or Compulsory Labor

Forced labor is illegal in Argentina and is not practiced.

d. Minimum Age for Employment of Children

Children under 14 years of age may not work in Argentina except in the family. Minors of ages 14 and 15 may work, but not more than 6 hours a day or 35 hours a week. The same law applies to minors 16 to 18 years of age, although competent authority may allow an exception.

e. Acceptable Conditions of Work

Argentina offers comprehensive protection of workers' rights. The maximum workday is 8 hours; the workweek is 48 hours. Premiums must be paid for work beyond those limits. Rules governing vacations, minimum wages, and occupational health and safety are comparable to those in Western industrial nations and are respected in practice.

The minimum wage in Argentina is currently set at about $85 per month. Most participants in the wage bargaining process agree this is not sufficient to provide a decent standard of living for a worker and his family. It is subject to frequent revision.

THE BAHAMAS

The Bahamas is a constitutional, multiparty democracy. As a member of the British Commonwealth, its political and legal traditions are similar to those of Great Britain. The Queen of England is recognized as Head of State, and she is represented by an appointed Governor General. The Progressive Liberal Party (PLP) has governed since 1967 under the same leader, Prime Minister Sir Lynden O. Pindling, and it retained power following general elections in June 1987.

The police and small defense force respect the human rights provisions of the Constitution and the law. There have, however, been allegations of mistreatment of some prisoners by the police. The Bahamas has a well-established judicial system based on common law and British procedures. Violent crime, drug addiction, and narcotics trafficking continue to be serious societal problems.

Tourism is the mainstay of the economy, accounting for approximately 60 percent of the gross national product; finance and off-shore banking is the second most important sector. Government efforts to diversify the economy have met with little success.

The Constitution provides for the protection of fundamental rights and freedoms without discrimination by reason of sex, race, religion, origin, or political opinion, and its provisions are generally observed. The Bahamas' overall human rights record was good in 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of killing for political motives.

b. Disappearance

There were no reports of politically motivated abductions or disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and other forms of cruel or degrading treatment or punishment. However, both Americans and Bahamians detained by police continue to report instances of police brutality in the course of arrests and interrogations. Three persons died while incarcerated this year, officially from natural causes. Some family members, however, blamed the Government for neglect and attributed the deaths to overcrowded, unhealthful conditions in the country's only prison, Nassau's Foxhill facility. This prison has been characterized as cramped and dirty, and, it is said, the food provided inmates is barely adequate. In response to a longstanding invitation from the Grand Bahama Human Rights Organization, Americas' Watch was scheduled to visit The Bahamas December 12-17 to investigate prison conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention. The right to a judicial determination of the legality of detention is respected; charges are normally brought within 48 hours of arrest, and those arrested are usually allowed access to an attorney of their own choosing.

Arbitrary mass arrests of Haitians suspected of being illegal residents did not recur in 1988. In May the Grand Bahamas Human Rights Association and L'Abri Ministries (an umbrella group of religious organizations) publicly announced their willingness to withdraw their 1987 petition to the Inter-American Commission of Human Rights of the Organization of American States denouncing the Government for its treatment of Haitians.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

An independent judiciary, appointed by the executive branch on the advice of a judicial and legal service commission, conducts fair and public trials. The Constitution entitles defendants to counsel, and access to defendants is freely permitted. Legal representation at public expense is provided only for capital cases. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not interfere in the private lives of its citizens. The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property can be entered and searched. The Government neither censors mail nor restricts receipt of foreign correspondence or publications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Free speech and press are exercised in The Bahamas, but there are certain constraints. There are three privately owned daily newspapers, one weekend paper, and one government-owned radio and television station. Political parties also publish newspapers. While there is no government censorship, the press does refrain from coverage of certain figures and events because of the country's stringent libel laws. The largest paper, the Nassau Guardian, continued throughout 1988 to avoid reporting on developments in an extradition case involving a local attorney accused of drug trafficking, due to libel concerns. The 1986 libel case accusing the editor of the opposition party's newspaper of criminal libel of Prime Minister Pindling resulted in acquittal in March 1988. In June the hotel room of a U.S. reporter for Forbes magazine doing an investigative report in Nassau was searched by police who refused to identify themselves or produce a search warrant. The authorities later denied the search was an attempt to pressure the journalist.

While the press is considered to be generally free, opposing points of view are not usually accorded fair radio and television treatment. The opposition party is prohibited by 1974 legislation from purchasing air time to broadcast its

views and is allotted only one broadcast each year, the duration of the program being determined by the number of seats held by the opposition in Parliament. Opposition leaders took advantage of a September Caribbean broadcasters' meeting in Nassau to denounce the Government's control of the broadcast media. Recent press articles have also called for an end to the Government's monopoly.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to free assembly and association and these rights are observed in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is full freedom of religion in The Bahamas, and discrimination based on creed is prohibited. There is no favored or official state religion, but most church members belong to Protestant denominations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel within The Bahamas and abroad, and there are no restrictions on the right to change residence or workplace. Large groups of Haitians continued to enter Bahamian waters, and the Bahamian Defense Force and the U.S. Coast Guard have cooperated in repatriating them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Bahamas is a constitutional democracy with a multiparty political system. The political process is open to all members of society, with citizens aged 18 and over eligible to register and vote. There are two principal parties: the governing Progressive Liberal Party (PLP) and the opposition Free National Movement (FNM). The PLP led the country for 5 years of internal self-government before independence in 1973 and has held power without interruption since.

General elections were held in June 1987 in which the PLP was returned to power with a clear parliamentary majority. The FNM, however, claiming extensive electoral violations, challenged the results in the electoral court. The PLP responded by challenging seats won by the FNM. The electoral court has ruled on only a few of the challenges. Because of a lack of substantiated documentation of fraud, it has yet to overturn any of the official results.

Female members of both parties hold House of Assembly and Senate seats, and two women in the House and three in the Senate have leadership roles.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Americas' Watch was scheduled to visit The Bahamas December 12-17. Otherwise, no international human rights organization visited The Bahamas to investigate human rights conditions during the year. The Government has generally not been active

in human rights affairs but has strongly criticized human rights violations in South Africa.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The law prohibits discrimination on grounds of sex, race, and religion, and The Bahamas has a good record in this regard. Women participate prominently at all levels of government and are well represented in the judiciary as well as in professional and business sectors. The country's first female Supreme Court justice was appointed in 1988. There does not appear to be a significant wage gap. The Constitution does, however, make several distinctions between the sexes regarding citizenship by, for example, preventing female Bahamians from bestowing citizenship upon their spouses. Women's rights activists have charged that Bahamian law puts women at a disadvantage concerning child care, inheritance, and property ownership.

Section 6 Worker Rights

a. The Right of Association

The constitutional provision for the right of free assembly and association specifically mentions labor unions, and unions operate freely without restriction. They are independent of government control, have the right to strike, choose their own delegations to the International Labor Organization (ILO), and maintain affiliations with international and regional labor organizations.

b. The Right to Organize and Bargain Collectively

Workers are free to organize, and unions engage in collective bargaining without government interference or restriction in any sector. Collective bargaining is extensive for the 30 percent of the work force which is organized. The Department of Labor attempts to mediate disputes, and the law provides for arbitration tribunals to help break stalled contract negotiations. Unionization of retail store and restaurant employees has been discouraged over the years by employer pressure and arbitrary dismissal practices. Labor laws and regulations are enforced uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced or compulsory labor, which are nonexistent in practice.

d. Minimum Age for Employment of Children

There is no legal minimum age for the employment of children. Although the law does not specifically address child labor, the requirement of compulsory education until age 14 effectively discourages child employment.

e. Acceptable Conditions of Work

Under the Fair Labor Standards Act, employers cannot permit their employees to work more than 48 hours a week. This provision is effectively enforced. In 1988 Parliament passed a law authorizing maternity leave for female workers which guaranteed their right to reemployment following the child's birth. The Labor Department conducts periodic checks of work-

places to ensure lighting, safety, and ventilation standards are met. There is no minimum wage law in The Bahamas; however wage levels in this primarily service-oriented, tourist-based economy are considered to provide a decent standard of living for workers.

BARBADOS

Barbados is a member of the British Commonwealth and a constitutional democracy with a free, multiparty system of government on the British parliamentary model. Its House of Assembly is the third oldest elected body in the Western Hemisphere. Barbadians recognize the Queen of England as Head of State; she is represented by an appointed Governor General. The Prime Minister is the head of government.

The Royal Barbados Police Force is charged with maintaining public order; it respects constitutional and legal guarantees of human rights. Police morale is good, and public respect for the police force is high. The 350-man volunteer Barbados Defence Force is responsible for national security, but is used for public order in times of crisis, emergency, or other specific need.

The country's economy, based on tourism, light manufacturing, services, and sugar, is highly susceptible to external economic developments.

Barbados has a long record of respecting human rights. There was no change in that record during 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No killings for political motives were reported.

b. Disappearance

There were no reports of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture, and there were no reports in 1988 of cruel, inhuman, or degrading treatment or punishment.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and imprisonment, and requires detainees to be brought before a court of law within 72 hours of arrest. These provisions are respected in practice. Criminal defendants have the right to counsel, and attorneys have ready access to their clients. Exile is not used as a punishment or means of political control.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides that persons charged with criminal offenses be given a fair, public hearing within a reasonable time by an independent and impartial court. Defendants are presumed innocent until proven guilty. The Government provides free legal aid to the indigent. The judiciary acts independently and is free of intervention from other branches of government. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not interfere arbitrarily in the private lives of its citizens. The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property may be entered and searched. The Government neither censors mail nor restricts the receipt of foreign correspondence or publications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press, and these rights are respected in practice. There are five radio stations, two of which are government owned. CBC Television Service (the sole television station) is government owned. Though CBC is not independent of government control, views opposing government policies are regularly reported. There are two independent daily newspapers. Opposing political views are presented, and the Government regularly comes under attack in the newspapers and on two popular daily call-in radio programs.

b. Freedom of Peaceful Assembly and Association

The Government observes the constitutional guarantees of peaceful assembly and private association. Political parties, trade associations, and private organizations function and hold meetings and rallies without government hindrance.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is full freedom of religion. While the Anglican and Methodist faiths have traditionally predominated, there are numerous other active religious denominations and organizations throughout the country. Foreign missionaries of various faiths proselytize freely. The Caribbean Conference of Churches is headquartered in Barbados and publishes materials there.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens and legal residents move freely within Barbados, and leave and enter the country without restriction, rights provided for in the Constitution. Barbados has a small number of applicants for admission as refugees; their applications are processed on a case-by-case basis.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Parties freely compete in honest elections by secret ballot at least every 5 years. There are no impediments to participation in the political process; all Barbadians over age 18 may vote.

The present Democratic Labour Party (DLP) Government won the May 1986 election, taking 24 of the 27 seats and replacing the incumbent Barbados Labor Party (BLP) Government. A small

Marxist party, the Workers Party of Barbados, was formed in 1985, but has attracted little support and participated only marginally in the 1986 election. It holds no parliamentary seats. A fourth party, the Barbados National Progressive Party, was formed in 1988.

A Cabinet of Ministers, appointed by the Prime Minister, exercises executive power. The head of the BLP, a former foreign minister and attorney general with a strong record as a champion of human rights, is the leader of the opposition.

Women have full political rights under the Constitution, and they are increasingly active in politics and in government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no reports of human right violations in Barbados during 1988, and human rights groups have not requested any investigations. There is a local affiliate of Amnesty International. The Government of Barbados advocates strengthening the human rights machinery of the United Nations and the Organization of American States, as well as more investigations into alleged violations of human rights in other countries and the increased use of fact-finding or observer teams to monitor controversial political and electoral situations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for equal treatment under the law, regardless of race, religion, or sex. These provisions are generally respected in practice; however, an instance in June of a government road contract awarded to a Black-owned company which was a high bidder instead of a White-owned low bidder was widely viewed as official racism, and cost Barbados World Bank support for the project. Barbados is a signatory of the 1979 Convention on the Elimination of all Forms of Discrimination Against Women. Women actively participate in all aspects of national life and are well represented at all levels in both the public and private sectors. There are no statistics available on sex-based wage discrimination.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to organize and strike, and freely exercise these rights. There are two major unions and several smaller ones, representing various sectors of labor. The largest union, the Barbados Worker's Union (BWU), is historically closely associated with the governing DLP (BWU officers hold three elected parliamentary seats and the appointed post of President of the Senate), but the union is not controlled by the Government. Trade unionists' personal and property rights are given full protection under law. Barbadian trade unions are free to affiliate to trade union internationals and are active in a variety of regional and international labor organizations. Barbados is a member of the International Labor Organization (ILO) and has ratified ILO Conventions 87 and 98 dealing with freedom of association and collective bargaining.

b. The Right to Organize and Bargain Collectively

The right of collective bargaining is provided by law and respected in practice. Approximately 20 percent of the working population is organized, and wages and working conditions are negotiated through the collective bargaining process. Employers have no legal obligation to recognize unions but most do when a majority of their employees are organized. Workers who may be subject to antiunion discrimination have recourse to the Department of Labor, whose chief labor officer conducts inquiries. One incident in 1988 involved workers who were dismissed, allegedly for joining a union. The case is still under investigation. There are no manufacturing or special areas where collective bargaining rights are legally or administratively impaired.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by the Constitution and does not exist.

d. Minimum Age for Employment of Children

The legal minimum working age of 16 in Barbados is generally observed. Minimum age limitations are reinforced by compulsory primary and secondary education policies.

e. Acceptable Conditions of Work

The workweek is 40 hours in 5 days, and workers are guaranteed a minimum of 3 weeks of annual leave. Occupational safety and health conditions are in keeping with ILO standards. Minimum wages for specified categories of workers are administratively established and enforced by law. The minimum wage for shop assistants, $136 per week, is sufficient to meet minimum decent living standards; most employees earn more. All workers are covered by unemployment benefits legislation, and by national insurance (social security) legislation. A comprehensive government-sponsored health program offers heavily subsidized treatment and medication.

BELIZE

Belize is a functioning parliamentary democracy organized under a Constitution enacted in 1981 upon independence from the United Kingdom. It is governed by a prime minister, a cabinet of ministers, and a legislative assembly. A Governor General represents Queen Elizabeth II, but has a largely ceremonial role. Both local and national elections are scheduled on a regular, constitutionally prescribed basis, and the two main political parties--the United Democratic Party (UDP) and the People's United Party (PUP) field competing slates of candidates. The UDP has controlled the National Assembly since 1984.

The security forces of Belize consist of the Belize National Police (BNP), the Belize Defence Force (BDF), and the Security and Intelligence Service (SIS). The 500 member BNP is responsible for law enforcement and maintenance of order. The principal duty of the 1,000 active and reserve members of the BDF is defense of Belize City and the International airport, but it also assists the police in antinarcotics operations. The British maintain a garrison of approximately 1,800 troops responsible for external defense. Closely modeled upon the British MI5, the SIS is charged with intelligence gathering and safeguarding the country from internal and external subversion. Only the BNP has arrest powers. During 1988 narcotics traffickers in Belize, both producers and transshippers, increasingly taxed the resources of the security apparatus.

A developing nation with a population of less than 200,000, Belize has an open market economy. The Government favors free enterprise and actively encourages increased investment, both foreign and domestic. In 1987 the gross domestic product increased by 5.8 percent in real terms, and per capita gross national product was estimated at $1,413.

Constitutional protections for the fundamental rights and freedoms of the individual, including women and all ethnic groups, are upheld by an independent judiciary. Persons may freely associate, hold private property, speak freely, and pursue private interests. An active and unconstrained press buttresses these civil and political rights. The country's overall human rights record remains good.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Such treatment is expressly forbidden by the Constitution and is not condoned by the Government. However, there were occasional allegations of unnecessary use of force by the security services, including the rough handling and occasional

beating of arrested suspects. In one case, both Belizeans and foreigners accused by the police of drug trafficking in the southern town of Stann Creek alleged that they were harassed, stripped, and beaten by arresting officers. There were several press reports of police officials using deadly force in the apprehension of suspected criminals, leading to one fatal shooting and several woundings.

The Government reacted promptly to these charges, investigating and clearing all officers involved in the shootings. In other cases of proven misbehavior, the guilty officers were disciplined or dismissed. The Government also has increased police training programs to try to improve professionalism and discipline.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or detention, and these provisions are respected in practice. A person must be informed of the cause of detention within 48 hours of arrest and must be brought before a court within 72 hours. Bail is granted in all but the most serious cases. Exile is forbidden by the Constitution and does not occur.

With regard to forced or compulsory labor, see section 6.c.

e. Denial of Fair Public Trial

Persons accused of civil or criminal action have constitutional rights to presumption of innocence, protection against self-incrimination, defense by counsel, public trial, and appeal. Trial by jury is mandatory in criminal cases. Those convicted by either a magistrate's court or the Supreme Court of Belize may appeal to the Court of Appeal. In some cases, including those resulting in a capital sentence the convicted party may make a final appeal to the Queen's Privy Council in the United Kingdom. In 1988 these constitutional guarantees were respected by a judiciary which is independent of the executive and is an effective guarantor of an equitable system of justice. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Constitutional provisions for the protection of personal property, privacy of home and person, and recognition of human dignity are generally honored by the Government. Search of private premises may be undertaken only if a warrant is obtained in advance, except in the case of suspected possession of illegal firearms, and search of the person may be made only with just cause.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and the press are protected under the Constitution and by local custom. In practice, all viewpoints are publicly presented without government interference. Five privately owned weekly newspapers, three of them fiercely partisan, engage in lively debate on a broad range of political, social, and economic issues. The opposition press is a frequent critic of government officials and policies. All newspapers are subject to the legal constraints of libel laws, and in 1988 three libel suits were brought against the

press by government officials. The Supreme Court ruled on one of these cases, awarding minor punitive damages; one case is still pending and one has been withdrawn.

Fourteen privately owned television broadcasting stations, including two cable networks, operate throughout Belize under the authority and regulation of the Belize Broadcasting Authority (BBA). The BBA bans such programming as pornography, requires that a minimum of 2 percent of air time be devoted to locally produced programming, and must authorize certain broadcasts, such as those with political content. A BBA decision in 1988 to ban a program featuring a former opposition minister was widely criticized, but no official explanation of this action was offered.

The BBA has a de facto monopoly on radio broadcasting, although a licensing application for a privately owned commercial station is currently under consideration. Before the March 1988 town board elections, the PUP strongly criticized the Government for limiting PUP access to the national radio stations. The BBA denied these charges, pointing out that the PUP refused seven segments of free air time, the same as offered to the UDP, because the BBA insisted upon its right to edit any defamatory or personally libelous material from the political broadcasts of both parties before these were aired.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is constitutionally assured and honored in practice. Political parties and other groups with political objectives freely held demonstrations, seminars, and mass meetings, especially before the March elections. The intelligence service is known at times unobtrusively to observe and monitor public political meetings, but no instance of harassment or interference has been reported. Under the Constitution, Belizeans are free to form and join associations of their choice, both political and nonpolitical. The Government officially charters those associations which wish to benefit from legal provisions, such as tax-free status for charitiable and nonprofit organizations, but less formal, unchartered associations also exist. The organizors of public meetings must obtain a permit 36 hours in advance of the meetings, and such permits are rarely denied.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion in Belize. All groups may worship as they choose, and all groups and churches may establish places of worship, train clergy, and maintain contact with coreligionists abroad. There is an active missionary presence. In church publications and from the pulpit, church leaders comment upon government and political policies as these affect the social welfare of the country. A broad based partnership of the Government and several different churches active in education successfully operates and administers most of Belize's primary and secondary schools. No political party is affiliated with any particular church or religion, and no church or religious affiliation gives political advantage or disadvantage to its adherents.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement within the country. Foreign travel, emigration, and repatriation are unrestricted, although the Constitution mandates forfeiture of Belizean citizenship for those who knowingly and willingly accept citizenship of another country.

While emigration is widely accepted, a wave of immigration from neighboring Central American countries has proven controversial. As many as 40,000 aliens have arrived in Belize since 1980, often entering illegally and residing in country without documentation. The original government enthusiasm for, and assistance to, the new arrivals waned as public resentment of their increasing presence spread. In 1987 the Government suspended both registration of refugees and additional resettlement assistance efforts until a special immigration commission could prepare recommendations for revamping and codifying immigration law. This process is not yet complete, but the Government resumed refugee registration in 1988 and has worked closely with the United Nations High Commissioner for Refugees (UNHCR) in planning a wide variety of future assistance projects which will benefit both Belizeans and aliens, thereby defusing potential resentment toward the aliens and helping to assure that they will not suffer discrimination. In 1988 no refugees were either forced or pressured to return to their countries of origin. The UNHCR maintains an office in Belize, but the Government has not ratified the United Nations Convention on Refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

Belize is a functioning democracy governed by a fairly elected legislative assembly, with executive direction coming from a cabinet of ministers headed by Prime Minister Manuel Esquivel. By constitutional mandate, the Governor General instructs the leader of the majority party of the National Assembly to form a government following national elections, which must be held at least once every 5 years. Municipal and town board officials are elected in local contests at 3-year intervals. In the national elections of 1984 and local elections of 1985 and 1986, Belize experienced a peaceful and orderly transfer of power from the PUP to the UDP. In March 1988, local elections, the UDP successly regained control of several town boards.

All elections are by secret ballot, and suffrage is universal for Belizean citizens 18 years and older. Although the two main parties dominate Belizean political life, a number of splinter groups have formed to contest various elections. Their candidates have won individual seats and in one case an entire town board. The main political parties cut across all segments of Belize's diverse ethnic groupings. The ruling party's current parliamentary majority gives it broad latitude in setting policy, but the forces of public opinion, an independent judiciary, and a free press ensure that public policymaking remains open. In 1987 and 1988, the Government withdrew from consideration certain legislative measures, including a revised criminal libel bill, following public debate.

Women are active in politics and in government. Both the Governor General and the President of the Senate are women.

Women hold other important posts in the executive branch of government and serve in the police and armed forces.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no known requests by international human rights organizations to investigate human rights violations in Belize, and no international human rights organization maintained an office in Belize. Senior government officials state that the Government would cooperate with any reputable, internationally recognized human rights organization which wished to establish an office in Belize.

One organization, the Human Rights Commission of Belize (HRCB), opened offices in late 1987. Most Belizeans consider this to be a partisan organization. The HRCB was publicly identified with leftist causes throughout the region and frequently dealt with unsubstantiated innuendo, for example, insinuating that Belizean babies might be secretly exported for organ transplants or that Belize may soon see the emergence of death squads. The HRCB presented no factual basis for either charge. Although the HRCB was frequently critical of the Government, it was permitted to maintain a public office, publish advertisements, sponsor meetings, and address the internal situation in Belize without government interference.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Despite constitutional provisions of equality, Belizean women face some prejudices rooted in social and economic practice. The Government worked to overcome this problem by funding a Women's Bureau charged with developing programs to improve the status of women in Belize. Founded in 1981, the Women's Bureau was upgraded in 1986 to a government department, a subunit of the Ministry of Labor and Social Services. A number of officially registered women's groups work closely with various government ministries in promoting social awareness programs. Women have access to education and are active in all spheres of national life. The private sector includes many women, such as the president of the powerful Chamber of Commerce. Women generally receive the same wage as men for similar work but many women are employed in jobs which traditionally have been lower paying than most jobs held by men. There is no discrimination on ethnic or religious grounds. All Belizeans have equal protection under the law.

Section 6 Worker Rights

a. The Right of Association

By statute and in practice Belizean workers and employers are free to establish and join together in their own organizations, and the labor union movement is a significant factor in Belize's economy. Eleven active unions, with an estimated 30 per cent of the labor force on their rolls, effectively represent a broad cross section of white-collar, blue-collar, and professional workers, including most civil service employees. The unions are considered official by the Ministry of Labor when they have filed with the Office of Registry. Members are empowered to draft the bylaws and constitutions of their unions, and they are free to elect officers from among the membership at large. Unions which

choose not to hold elections can act as representatives for their membership, but only unions which hold free and annual elections of officers are permitted to join the national Trades Union Congress of Belize (TUC), which is affiliated with the Caribbean Congress of Labor and, through the Inter-American Organization of Workers, with the International Confederation of Free Trade Unions (ICFTU). By both law and precedent, unions are effectively protected against dissolution or suspension by administrative authority.

Unions are legally permitted to strike, but unions representing essential services may strike only after giving 21 days' notice to the ministry concerned. In practice, the Labor Commissioner acts as a conciliator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. Historically, the Commissioner's guidance has been voluntarily accepted. However, should either union or management choose not to accept the conciliator's decision, both are empowered to a legal hearing of the case, provided that it is linked to some valid provision of civil or criminal law. No union is officially affiliated with any political party, although several unions are clearly allied to one or the other of the two main parties.

b. The Right to Organize and Bargain Collectively

Theoretically, all unions may freely organize. In practice, however, some employers attempt to block union organization by terminating the employment of key union sympathizers, usually on grounds purportedly unrelated to union activities. Despite such employer resistance, virtually every sector of the economy but the garment industry has been unionized to some degree. Established unions are effectively protected from antiunion interference by both precedent and law, and union officials and membership rarely, if ever, encounter discrimination. Collective bargaining is the rule rather than the exception in most labor negotiations, and workers are fully represented in negotiations for the prevention or settlement of disputes with employers.

Labor laws and regulations are applied uniformly throughout Belize.

c. Prohibition of Forced or Compulsory Labor

Forced labor is forbidden by the Constitution and does not occur.

d. Minimum Age for Employment of Children

The minimum age of employment in Belize is 14, or 17 for employment near hazardous machinery. Inspectors of the Ministries of Labor and Education enforce this regulation, although in recent years school truancy officers, who have historically borne the brunt of the enforcement burden, have been less active.

e. Acceptable Conditions of Work

No set minimum wage covers all Belizeans, but some categories of service employment, such as retail, restaurant, domestic, and health care jobs have minimum hourly wage standards ranging from $0.55 to $0.75 per hour. No worker is obliged to work more than 6 days or 45 hours per week. Payment of

overtime work is obligatory, as is an annual paid holiday of 2 weeks. A patchwork of health and safety regulations covers numerous industries, and these are enforced to varying degrees by the Ministries of Labor and Public Health. Enforcement is not universal countrywide, and in 1988 limited inspection and investigative resources were committed principally to urban and the more accessible rural areas where labor, health, and safety complaints had been registered. Although unemployment was widespread, for employed workers the conjunction of wage rates and hours worked was normally sufficient to provide them and their families with an adequate standard of living.

BOLIVIA

Bolivia is a multiparty democracy with an elected president and bicameral legislature. The free elections held in 1985 were part of the first constitutional transition from one civilian government to another in 20 years. Neither of the two leading candidates received an absolute majority, and the Bolivian Congress selected Dr. Victor Paz Estenssoro to be President, in accordance with procedures outlined in the Constitution. Paz Estenssoro took office on August 6, 1985.

Police security forces and the military respected the democratic process in 1988, accepting policy direction by the civilian Government. The Government used military forces only once--to secure petroleum refineries during the petroleum workers' strike in March--to ensure domestic order.

Bolivia is the second poorest country in the Western Hemisphere, and its economy made only slight gains in 1987 and 1988 after declining for the previous 5 consecutive years. Although reasonably rich in natural resources, high production costs and low prices in the mining sector led to large-scale layoffs and significantly raised the nation's unemployment rate, which exceeded 20 percent in 1987 and declined only slightly in 1988.

The Paz administration's stringent economic reforms are strongly opposed by organized labor. Although petroleum workers and students staged sometimes violent major strikes and demonstrations in 1988, the Government succeeded in maintaining public order without imposing a state of siege.

The Government has undertaken an extensive antinarcotics campaign which has met with considerable criticism and resistance, particularly from peasant farmers. Over 2,000 hectares of coca plants had been eradicated by the end of the program's first year. In July the Bolivian Congress passed, and President Paz Estenssoro signed, a tough new law to counter narcotics trafficking.

Human rights are provided for in the Constitution and generally respected in Bolivia. However, people of European or mixed-race origin continue to dominate the political system. There continue to be occasional reports of abuse of prisoners and detainees by police and security officials as well as concerns about an overburdened and sometimes corrupt judicial system. Bolivian women do not enjoy a status in society equal to that of men, but are slowly achieving a greater role in business and professional life.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no political killings in 1988. In September there were unconfirmed press reports accusing a military unit of killing a peasant farmer in Achacachi, La Paz Department, on August 31. Labor and human rights groups have denounced the slowness of the official investigation into the alleged incident. At the end of the year, no results had yet been announced.

BOLIVIA

Several people died during civil and labor-related disturbances in 1988. Student-worker confrontations with police in Potosi at the end of April resulted in the death of one demonstrator and injuries to about 150 people, including a number of police. Another student demonstrator died as the result of a gunshot wound inflicted during a demonstration at the university in La Paz in March. On June 27 coca growers demonstrating against the antinarcotics legislation then under consideration in the Bolivian Congress penetrated an antinarcotics police compound in Villa Tunari, Cochabamba Department, attacking the police and threatening U.S. government personnel. Shots were fired and in the ensuing melee at least 10 demonstrators died, most by drowning in a dangerous river which abuts the compound or by being trampled in the panic and flight.

b. Disappearance

There were no reports of politically motivated disappearances in Bolivia in 1988. Judicial proceedings are continuing in cases involving disappearances during the early 1980's, before the restoration of democracy.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and the Government neither condones nor practices such activity. Nevertheless, there continue to be occasional charges of cruelty and degrading treatment. Police, prison, and security personnel are rarely tried and punished for such acts. Corruption, malnutrition, and unsanitary conditions are endemic in Bolivia's under-financed prison system.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires a court order for an arrest, and detainees must be charged or released within 24 hours. The Constitution also provides for a judicial determination of the legality of a detention, and prisoners are usually released if a judge rules that they have been detained illegally. After the initial detention, prisoners may consult a lawyer of their choice. Provisions for bail exist in Bolivia except in certain narcotics cases, and bail is generally granted. Under a state of siege, authorities may detain persons for up to 48 hours before obtaining an arrest order.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The constitutional right of fair public trial is adhered to, but long delays in the judicial system are common. Investigations, trials, and appeals procedures are so lengthy that some prisoners eventually serve more time than the maximum sentence for the crime with which they are being charged. Defendants have the right to an attorney, to confront witnesses, to present evidence, and to appeal a judicial decision. These rights generally are upheld in practice. Although the law provides for a court-appointed defense attorney at public expense, if necessary, one may not always be provided because of a shortage of funds and qualified personnel. The Constitution authorizes the Supreme Court, Bolivia's highest civilian judicial body, to review

legislative measures to determine if they are in accordance with a citizen's "concrete rights or the Constitution."

The military Government of 1976 revised the military penal code and established the military court system. The law defined and established military jurisdiction over actions against the security of the state and against military personnel and property.

Corruption of the judicial system remains a serious problem, as narcotics traffickers routinely try to bribe judicial and other officials in exchange for releasing suspected traffickers, returning captured drugs, and purging incriminating files. In April the President of the Bolivian Supreme Court resigned during a dispute with the Chamber of Deputies that involved charges of corruption on both sides. In a separate matter, the Santa Cruz district Supreme Court ordered the suspension of four judicial officials for irregularities in the handling of the Huanchaca case, which grew out of the 1986 killing of Bolivian scientist Noel Kempff Mercado. The Government has taken some steps to discipline Bolivia's judicial system. The antinarcotics legislation signed into law in July calls for the creation of three-judge special narcotics control courts with broad responsibilities. They are to function as first-instance tribunals in narcotics-related cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home and the privacy of citizens' lives are protected by the Constitution and normally are respected in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

By law, citizens enjoy freedom of speech and exercise it widely without government interference. Both state-owned and private radio and television stations operate in Bolivia. All newspapers are privately owned. Since the restoration of democracy in 1982, Bolivians have enjoyed a generally unrestricted press representing a wide spectrum of political views. The Paz Estenssoro Government has not exercised its constitutional authority to impose censorship despite extensive criticism from the media. However, self-censorship by journalists, a holdover from military rule, is widespread.

On two occasions in 1988, the Government took legal action against representatives of the media. In June the Government, at the urging of the Chamber of Deputies, temporarily closed the privately owned La Paz television Channel 4 and Radio Metropolitana after they broadcast an interview with then-fugitive narcotics trafficker Roberto Suarez. According to press reports, agents of the Interior Ministry in November stole or damaged property belonging to Radio Metropolitana. In a separate episode in August, the Government ordered the arrest of Antonio Peredo, director of the left-wing weekly Aqui, after the newspaper published a personal attack on President Paz Estenssoro during a controversy concerning bonuses for government workers from international organizations. Peredo, who was accused of defaming the Government, was released on bail after 26 days.

The Government has consistently respected academic freedom.

b. Freedom of Peaceful Assembly and Association

The rights of peaceful assembly and association are provided for by law and generally respected in practice. The Government may impose curfews and prohibit public demonstrations if it declares a state of siege.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution recognizes Roman Catholicism as the country's official religion, and Catholic bishops receive a nominal stipend from the State. Although Catholicism predominates in Bolivia, many religious groups operate openly and freely. The Mormons, Baha'is, Seventh-Day Adventists, Methodists, and others freely proselytize and operate churches and training centers throughout the country. The small Jewish community has not reported any discrimination. Citizens are generally free to practice the religion of their choice and to maintain links with coreligionists abroad.

The Government has, however, issued rules designating the Roman Catholic Church to coordinate all public ceremonies in which governmental authorities and institutions participate. In implementing these rules, the Government declared all existing religious registrations null and void, and required religious groups to reregister. In 1988 the Government reiterated that numerous religious groups were operating in Bolivia illegally (that is, without legal registration). Some Evangelical Protestant groups have complained that they have been subjected to more stringent registration procedures than the Catholic Church. Some foreign members of the Hari Krishna sect were formally ordered to leave Bolivia in 1986, but the Bolivian Supreme Court overturned that decree in August 1988.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel within Bolivia or abroad. The Government does not impede emigration and guarantees departing citizens the right to return. Citizenship is not revoked for political reasons. Many Bolivians who either fled the country or were exiled for political reasons during the tumultuous 1978-82 period returned with the restoration of democracy and have enjoyed full freedom without harassment.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Bolivia is a multiparty democracy with an elected president and a functioning, independent, bicameral legislature. The Government does not oppress opposition groups, which exist both in and out of the Congress.

Suffrage has been universal since the 1952 revolution.

The December 1987 municipal elections, the first to be held at that level in almost 40 years, were deemed by observers to have been peaceful and honest, with none of the major parties complaining of significant irregularities. National elections

are scheduled for May 1989, and the registration process for those elections began in orderly fashion in September.

People of European or mixed-race origin are predominant in the political system. There are women who are active participants in politics and government, and their numbers are increasing.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to the opinions of both international and domestic organizations and is willing to discuss human rights concerns with them. The Congress has committees responsible for monitoring observance of human rights. The Catholic Church, the Permanent Assembly of Human Rights in Bolivia, and the press generally have been the most aggressive monitors of human rights. These organizations comment frequently on issues and developments related to human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although protected in theory by social legislation, Bolivian women do not enjoy a status in society equal to that of men. Cultural traditions, social conditions, and lack of political influence remain the major obstacles to advancement. In rural families, women contribute significantly to economic activities and often control the family purse strings, but nonetheless are considered socially and politically subordinate. In urban settings, women are slowly achieving a greater role in business and professional life, as their participation in cooperatives, community affairs, and education increases.

The Constitution prohibits social discrimination, but Bolivians of mixed European origin do discriminate against people of indigenous background. At least partially as a result of this treatment, the Aymara- and Quechua-speaking majority of the population (60 percent) remains at the lower end of the country's socioeconomic scale and is disadvantaged in terms of health, life expectancy, education, income, and employment.

Section 6 Worker Rights

a. The Right of Association

Bolivian workers have the right to establish and join organizations of their own choosing, and they are free to elect their own leaders. They possess and exercise the right to strike. Labor law prohibits any labor contract which denies workers' constitutional rights and freedoms. The Bolivian Workers Central (COB), an umbrella labor organization which represents the majority of workers, is independent and politically powerful. In past years it has frequently paralyzed the economy with crippling strikes. In 1988 it mobilized a number of demonstrations on various social and economic issues throughout the country. Antigovernment labor demonstrations occasionally result in violence between demonstrators and police or military personnel.

The Government places no restrictions on a union's right to join international labor organizations. COB Executive Secretary Simon Reyes was the spokesman for Bolivian labor at

the June meeting of the International Labor Organization in Geneva, and the COB is affiliated to the Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Bolivian workers have the right to organize and bargain collectively. The law does not extend this right to government workers, but the distinction is largely ignored in practice, as virtually all government workers are unionized. Government-employed petroleum workers, for example, conducted a brief strike for higher wages and improved benefits in March, and teachers also engaged in labor actions during 1988. In Bolivia's government-dominated economy, negotiations between government representatives and freely elected labor leaders are common. In early 1988, the Government invited the COB to join government officials in discussions about the national budget, which directly controls employee compensation in important sectors of the economy.

After government-union talks reached an impasse and petroleum workers went on strike in March, the military secured the country's two refineries against vandalism, the government-run petroleum company began issuing dismissal notices, and police arrested three labor representatives in Santa Cruz on various formal charges. The union officials, who were promptly charged and brought before a judge, were released after about 3 weeks.

Labor laws and regulations are enforced uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Bolivian law prohibits forced or compulsory labor, and neither has been reported.

d. Minimum Age for Employment of Children

Bolivian law prohibits the employment of minors under 18 years of age in dangerous, unhealthy, or immoral work; no other restriction on employment of minors exists. Government officials state that the revised labor code now in preparation should clarify ambiguities in the law concerning the employment of children under 14 years of age. In practice this law is not rigorously enforced.

e. Acceptable Conditions of Work

Bolivia's labor laws contain conditions for child protection, paid vacations, and protection of workers' health and safety. In practice these laws are not rigorously observed, and the Government has not provided funds for adequate enforcement. The mines, often old and operated with antiquated equipment, are particularly dangerous and unhealthy. In urban areas, most workers (about half the labor force) observe an 8-hour day and a 5- or 5 1/2-day workweek.

Bolivia has a minimum wage law as well as an elaborate system of bonuses and compensations for the private sector. In 1988, after talks with COB leaders, the Government raised the minimum wage to $25 per month. Despite that increase, a single minimum wage earner cannot easily support a family at an acceptable standard of living. Moreover, labor leaders and the Permanent Assembly on Human Rights have expressed concern

that continuing high rates of unemployment are contributing to a worsening of living conditions, despite the modest economic gains of 1987-88.

BRAZIL

In November 1989, Brazil will hold its first direct presidential election since 1960. The country returned to democratic rule in 1985, after 21 years of military-dominated government. A new Congress was freely elected in November 1986, with the participation of 30 political parties. The Congress, functioning as a Constituent Assembly, drafted a new Constitution which was promulgated on October 5, 1988, and which substantially broadens the protection of individual and collective rights, especially in the labor area. Application of certain of the new constitutional provisions must await the approval of implementing legislation, which should be formulated in 1989 and 1990.

Internal security is provided by the military as well as by federal, state, and local police. The armed forces have increasingly focused on possible external threats, but nevertheless are also employed internally in the event of a threat to public order or to protect critical industrial installations during strikes and emergency situations.

In 1987 Brazil's gross domestic product grew by 2.9 percent in real terms, but 1988 is likely to show no growth as "stagflation" persists. Brazil has the eighth largest economy outside of the Communist bloc and also the largest foreign debt in the developing world--over $120 billion. In September 1988, President Sarney announced the formal end of a unilateral moratorium the Government had placed on most of its debt service to foreign commercial banks. The agreement on a long-term rescheduling plan for the servicing of past debt eased pressures on Brazil's balance of payments and reserves.

Brazil's new Constitution has introduced a series of innovations which will increase significantly the ability of Brazilians to claim their guaranteed rights before Brazilian courts and ensure the protection of human rights in Brazil. One important innovation is the "Writ of Injunction," which can be filed in court to request enforcement of a constitutional provision which has not yet been implemented by legislation.

Major human rights concerns in Brazil include the treatment of Indians and peasants involved in land disputes and the handling of common criminals. Reported killings of peasants and union organizers involved in land disputes declined in number in 1988 compared to the previous year but still remain a serious problem. Common criminals in the custody of police are frequently beaten and some criminals not in custody are killed anonymously. More Brazilian Indians were killed in violent incidents in the past 2 years than in the previous decade, while the rapid growth of prospecting activity has reportedly led to the deaths of hundreds of Indians, killed by mercury poisoning and epidemics of infectious diseases.

The new Constitution establishes additional rights and legal protections for Brazil's Indians, who now have full legal standing in the courts for the first time in Brazilian history.

BRAZIL

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Politically motivated killings are rare, but several hundred Brazilians died in 1988 at the hands of vigilante groups or in bitter land conflicts. Brazilian human rights organizations charge that off-duty policemen often kill persons suspected of common crimes. It is commonly believed that many of the several hundred criminals killed annually in confrontations with police actually are killed after capture. The alarming rate of violent crime in such major cities as Rio de Janeiro and Sao Paulo has led to a high degree of public acquiescence in police brutality against criminal suspects. Resources devoted by local and state governments continue to be insufficient to combat the problem.

Conflicts between rural landholders and the landless continued in 1988. Most of the hundreds of persons killed in such conflicts were rural laborers or squatters involved in land disputes in the northeast and the interior. In a few well-publicized cases, the victims were officials of the National Confederation of Agricultural Workers (CONTAG) or lawyers or clergy involved in helping to organize agricultural worker unions. "Invasions" of vacant land by landless agricultural workers were not as common in 1988 as in previous years, perhaps leading to the result that fewer than half as many killings of rural laborers and union organizers occurred in 1988 as in 1987. Nevertheless, CONTAG officials are concerned that growing assertiveness by rural workers will lead to further violence. They say that confrontations have become more frequent in Pernambuco, the northeastern state in which rural unions are best organized and most active.

In 1987 lawyer and labor activist Evandro Cavalcanti was murdered in the middle of a town in the interior of Pernambuco, allegedly because of his work on behalf of poor farmers. No one has yet been arrested in connection with this crime, which is widely believed to have been instigated by supporters or relatives of important political figures in Pernambuco. Two additional murders apparently linked to land usage occurred late in 1988: Joao Carlos Batista, a state legislator prominent in the land reform movement, was shot at his home in Belem on December 6, and Francisco Mendes Filho, a union leader known for his efforts to protect the Amazon rain forest from unsound exploitation, was shot dead at his home in Acre state on December 22. Both cases are under investigation.

Brazil's rural violence prompted complaints by the International Confederation of Free Trade Unions (ICFTU), which blamed "professional murderers hired by landowners" for the assassination of CONTAG leaders and members. In recent years, less than 10 percent of the dead have been landholders, although in 1988 there seems to have been an increase in the number of hired gunmen (working for landowners) who themselves have been killed. Frequent death threats and beatings of squatters and organizers contributed further to raising tensions in the affected areas. Federal and state authorities have expressed serious concern over the violence, but the national Government asserts that it does not have the legal authority to intervene unless asked to do so by a state government.

BRAZIL

Brazilian human rights organizations charge that federal, state, and local authorities have failed to take legal action against those who are responsible for such killings. These human rights groups charge that police often fail to conduct complete investigations, and frequently even cooperate with either the hired gunmen themselves or their employers.

In a 1988 report entitled "Brazil: Authorized Violence in Rural Areas," Amnesty International (AI) asserted that despite "notorious, widespread and persistent" killings, "the Brazilian Government has failed at every level to take effective measures to stop them." AI said it is concerned by "allegations that full and impartial investigations by the competent authorities into such killings are not being carried out and that this failing may amount to acquiescence in the crimes," and that "official failure to conduct criminal prosecutions for such crimes is so persistent that it facilitates fresh killings and may amount to deliberate permissiveness towards them." Finally, AI charged that "those responsible for killings, threats and other brutal acts of intimidation against the rural poor enjoy de facto immunity from prosecution, which encourages further killings and violence."

Several persons were prosecuted in 1988 for killings associated with land conflicts. In Alagoa Grande, Paraiba state, Antonio Carlos Courtinho Regis was tried and acquitted by a jury of being one of the persons who ordered the August 1983 killing of rural labor activist Margarida Maria Alves, president of a rural workers' union. It was the first time in memory that one of the persons accused of hiring the killers was brought to trial, rather than just the hired gunmen. Members of the Human Rights Center of the Archdiocese of Joao Pessoa, Paraiba state, reported that the judge presided in a fair and unbiased manner, noting that the trial in itself was at least a partial victory. Human rights groups attributed the acquittal to the fear felt by members of the jury sitting in a small town regarding the consequences they would suffer if they voted to convict a member of an important family.

In Imperatriz, Maranhao state, one of the hired killers of Padre Josimo Tavares, a cleric active with rural labor and agrarian reform groups, was convicted and received a sentence of 17 years. None of those alleged to have been behind the killing has been indicted or tried. In Recife, the murder case of Padre Antonio Henrique Pereira Neto was reopened for the fifth time in 19 years. Padre Henrique, who coordinated the Pastoral for Youth for Archbishop Dom Helder Camara, was barbarously murdered in May 1969, supposedly by members of the Communist Hunters Command (CCC), which he had publicly denounced. No one was ever convicted, but in May 1988 the State Prosecutor reopened the case and sought indictments against five former policemen.

In Rio de Janeiro and other major urban centers, there is a growing homicide problem. While many of the murders result from narcotics gang wars, there are also widespread killings of alleged or suspected criminals by unidentified vigilante groups which seem to operate with impunity. Hundreds of such deaths occurred in 1988; often the corpses showed signs of torture or brutality. Most of the killings occur in the poorer neighborhoods amd are cited by some as the actions of hired thugs, often employed by shopkeepers who have either been robbed or are taking preventive action. This was noted as a major problem by AI and by most human rights groups in

Sao Paulo and other cities. Human rights activists allege that the current state administration in Sao Paulo is less concerned about these abuses than the previous administration. Investigations into these incidents are hampered because witnesses hesitate to cooperate with authorities for fear of reprisals. Alleged informal links of these groups to elements within the police make the problem even more difficult.

In Rio de Janeiro, there are indications that the situation with regard to vigilante group activities has improved somewhat since the appointment in September 1987 of a new State Secretary of Civil Police, a former president of the State Bar Association and a human rights advocate. There is a clear understanding that state law enforcement authorities in Rio do not condone such activities. Accused members of several vigilante groups have been arrested, and a special commission on death squad activities chaired by the Vice Governor and possesing police power has been operating since July 17, 1987. Of 161 investigations opened by February 1988, however, only 25 had been completed, resulting in accusations against 8 persons and the seizure of 13 weapons.

Unsolved murders remain numerous in Rio de Janeiro. The press often erroneously lumps together all types of killings in certain poorer parts of the Rio metropolitan area, particularly the area known as the Baixada Fluminense, as death squad killings. In the first 8 months of 1988, for example, 1,248 persons were murdered in the police precinct which covers the Baixada Fluminense area. This compares to a total of 1,874 for the entire year of 1987, indicating a fairly constant homicide rate. One knowledgeable police expert estimates that 45 percent of these killings represent disputes among narcotics gangs, while 20 percent reflect vigilante killings. In the Queimados neighborhood of the Baixada, 102 homicides occurred during August 1988, 50 of which were attributed by police to a specific vigilante group. Eight arrests were made by the special state commission, but the accused were later released for lack of proof. The Rio de Janeiro State Secretary of Civil Police says that a "good number" of the victims are between the ages of 15 and 17, and that a study of this phenomenon will be sent to the United Nations International Children's Emergency Fund.

b. Disappearance

There were no reports of politically motivated abductions in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by the new Constitution, which strengthens the legal penalties for torture and acquiescence in torture. Individuals charged with "hideous" crimes related to torture, narcotics trafficking, or terrorism cannot be released on bail and cannot benefit from a pardon or amnesty. Most Brazilian human rights organizations assert, however, that police beatings, and even torture, of poor prisoners and landless peasants are widespread and intended to extract information, confessions, or money from criminal suspects, and sometimes to administer punishment. Human rights groups in Rio de Janeiro have noted a reduction in cases of police brutality being reported to them, although it is not yet clear whether this trend holds true nationwide.

BRAZIL

Police brutality toward suspected criminals appears to be a problem throughout Brazil. These abuses apparently continue because of a perception by state and local police that their supervisors tolerate such behavior. Also, in virtually every instance in which police officers have been brought to trial for abuse, the prosecution has failed to obtain a conviction. Sao Paulo statistics, for example, show that of 35 police officers brought to trial on torture charges during the first half of 1987, none has been convicted so far. Human rights organizations find little public support for defending the rights of alleged criminal offenders. Public criticism of the police is directed not at the abuse of persons in detention nor at the dismal prison conditions but rather at the lack of efficient law enforcement.

Most prison facilities are poorly maintained and managed. Very little prison construction has taken place in Brazil in recent years, although some states claim to be planning future prison construction. A new maximum security prison was inaugurated by Rio de Janeiro state authorities in 1988. The transfer of a number of criminal gang leaders to this prison resulted in a mass protest hunger strike by these prisoners. Human rights groups in Rio de Janeiro consider prison conditions to be a major human rights problem; specific complaints include police abuse, limitations on visitation rights, and poor food and health conditions. The most serious problem, however, may well be that, due to poor administration of the penal and justice systems, many prisoners remain in prison beyond completion of their sentences.

d. Arbitrary Arrest, Detention, or Exile

The new Constitution limits arrests to those caught committing a crime, or those arrested by order of a judicial authority. In addition, those accused of violating military rules and regulations, or of military crimes as defined by law, may be arrested. The Constitution provides for judicial determination of the legality of detention, and this provision is respected.

Legally, a person may not be arbitrarily detained, but the law does permit provisional detention in exceptional circumstances when ordered by a judge. There have been, however, several cases of illegal and incommunicado detention without a judicial order, as well as allegations of arbitrary detention of squatters during evictions. Detention also may be ordered by a court during a police investigation or the prosecution phase, if there are sufficient indications that the accused might try to escape or interfere with the normal development of criminal proceedings, as, for example, when the accused might try to influence or harm a witness. Provisional detention can be extended until the case comes to trial or until a judge rules that reasons for the detention no longer exist. Provisional detention in Brazil is used infrequently.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair public trial is ensured by law and is generally respected in practice. Defendants are entitled to counsel and must be made fully aware of the charges against them. In cases in which a defendant cannot afford an attorney, one must be provided free of charge. In practice, however, there are too few public defenders, and private attorneys are appointed by courts to represent poor defendants

where public defenders are unavailable. This system contributes to a backlog that can cause delays of months or even years. Defendants and their attorneys have the legal right to be informed of the evidence on which charges are based. Only cases of willful crimes against life are tried by jury; all others are tried by a single judge.

Lynchings of suspected criminals by irate citizens continued in 1988, although the phenomenon attracted less press attention than it did in 1987. Many lynching victims are street muggers caught in the act of committing a crime. Most observers agree that such mob lynchings arise from public rage against rising crime.

The judiciary is an independent branch of government. The Federal judicial system includes courts of first instance and appeals courts. The Federal Supreme Court is the highest court in Brazil. The states are free to organize their own judicial systems, so long as they do not violate basic principles in the federal Constitution. Brazil also has a system of specialized courts dealing with military, labor, elections, and juvenile matters, among others. A system of small claims courts has been created by the new Constitution. Under the new Constitution, military courts no longer have jurisdiction to hear cases against civilians.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for freedom from arbitrary intrusion into the home, and there have been no reports of such illegal entry for political reasons. However, this right is not always respected in practice, and entry into homes without a warrant still occurs in searches for criminals.

The new Constitution provides the right for a person to file a "Habeas Data" writ in court, at no financial cost, to obtain information about himself which is in the possession of Brazilian authorities. This writ may also be used to request the correction of incorrect data about the citizen held by the Government.

Although unauthorized wiretaps remain unconstitutional, wiretaps are now permitted for purposes of criminal investigation and prosecution when authorized by a judicial authority in circumstances defined by law. The new Constitution also provides that a small rural property on which a family lives and works cannot be seized to guarantee the payment of debts resulting from its productive activity.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The right to free speech and to a free press is provided for in the Constitution. Electronic media broadcasts discuss controversial social and political issues. Opposition viewpoints are aired freely, and the Government does not illegally interfere with the media. Most radio and television stations are privately owned, but the Government controls licensing authority. Newspapers are also privately owned and are vigorous in reporting and commenting on government policies and performance. Some media sources privately charge that self-censorship is widely exercised by many media organizations to avoid offending major governmental

advertisers and creditors, including Federal, state and local governments and government-influenced banks. A public assertion of that charge in the Washington Post drew angry denials from several Brazilian media leaders.

Foreign publications are widely distributed in Brazil. The new Constitution has abolished all forms of censorship. Prior review of films, plays, and radio and television programming is practiced only to determine acceptable viewing age.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble peacefully. Under the new Constitution, permits are no longer required for outdoor political or labor meetings; however, such assemblies may not disturb another meeting previously scheduled for the same place, and prior notification to government authorities is required.

In November 1988, Army troops killed three striking workers at the National Steel Company in Volta Redonda, Rio de Janeiro state. Several investigations to determine responsibility were still underway at the end of 1988. In another incident, 4,000 teachers, who had peacefully assembled in front of the Governor's Palace in Parana on August 30 were forcefully evicted from the grounds by military police. Twenty teachers were injured in the fray, many allegedly from police clubbing. The Teachers' Association of Parana stated it intended to sue the Security Secretary and the Governor of Parana for the police violence.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no favored or state religion. An overwhelming majority of Brazilians belong to the Roman Catholic Church, which maintains an active social and political program with no direct government intervention. However, spiritism has many adherents, and Protestantism has been expanding in recent years. All faiths are free to proselytize, establish places of worship, and train clergy. The National Council of Brazilian Bishops continues to complain that visas for missionaries and other foreign religious personnel are being systematically delayed by immigration authorities. In 1987 and 1988, missionaries of several religious denominations and nationalities, including Brazilians, were expelled by the Federal Government from the areas in or near Indian communities where they had previously lived and worked. Both Catholic and Protestant church officials have protested these actions as a restriction on religious freedom.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within Brazil, nor are there any restrictions on emigration or return. Brazil admits few immigrants, does not formally accept refugees for resettlement, and is selective in granting asylum.

In late 1987 and during 1988, there were complaints in Rio by Chilean refugees under the protection of the office of the UN High Commissioner for Refugees and the Catholic Church (CARITAS) that they were subject to harassment by persons

acting on behalf of the Chilean Government. In December 1987, a number of these refugees invaded the United Nations office in Rio de Janeiro seeking to speed up their requests to be received in certain European countries and Canada, claiming they were not safe from harassment in Rio. In 1988 there were two alleged kidnapings and torturings of Chilean exiles in Rio by unknown individuals. The second incident resulted in denunciations to Federal and state authorities by the Rio Bar Association, concerning "infringements of Brazilian sovereignty."

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

On November 15, 1989, Brazilians will vote for the next President of Brazil in the first direct presidential election held since 1960. On March 15, 1985, Brazil returned to democratic rule with the inauguration of its first civilian President in 21 years. Direct mayoral elections were held in all state capitals in 1985. National elections were held in November 1986 to elect state governors, the Federal Congress, and state legislative assemblies. Nationwide municipal elections were held in November 1988. As many as 30 parties representing a broad political spectrum participated in the elections. The direct election of Federal congressmen and senators in November 1986 produced a representative Congress. Acting also as a Constituent Assembly, it drafted a new Constitution which was promulgated on October 5, 1988. State governors in Brazil have been elected by direct popular vote since 1982, as have all municipal and state officials--and most Federal legislators.

Voting is secret and mandatory for all literate Brazilian citizens age 18 to 70 except military conscripts who may not vote. It is voluntary for minors, aged 16 to 17, for the illiterate, and for those over age 70. Women have full political rights under the Constitution, and they are increasingly active in politics and government.

When the political party which was in opposition to the military regime came to power in 1985 through a vote of the electoral college, it was viewed as a major test of the ability of the citizenry to change their government. Most Brazilians believe, however, that the true test of the transition to full democracy awaits free popular presidential elections scheduled for November 1989. Brazil's transition to democracy, beginning with the "political opening" of 1974, has been achieved largely through peaceful means under the guidance of Brazil's powerful military establishment. The armed forces retain significant influence in the Government, including Congress, but the military establishment appears to be respecting its limited role under the new Constitution.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are a number of Brazilian nongovernmental organizations which actively investigate allegations of human rights violations and often initiate legal proceedings. AI maintains offices in Rio and Sao Paulo. None of these organizations have formally complained of government interference in their activities, although many human rights organizations privately complain that government authorities have been unhelpful. With the return of democratic government to Brazil, human

rights groups previously concerned with political repression have turned their attention to human rights problems involving Indian rights, police mistreatment of suspected criminals, poor prison conditions, urban "death squads," and rural violence.

Since 1985 a Federal prosecutor in each state has been designated to monitor and assist in identifying human rights violations and many states have established their own Councils for the Defense of Human Rights. Despite their formal establishment, few, if any, of these state human rights councils have yet become operational.

Both Brazilian and foreign human rights organizations assert that certain elements of the Federal Government have been fairly responsive to human rights investigations, as have a few state governments. Most of the state governments, however reportedly have put more effort into obstructing human rights investigations than assisting them. Federal Justice Minister Paulo Brossard responded to the 1988 AI report "Brazil: Authorized Violence in Rural Areas" by telling journalists that AI is "incompetent." Agrarian Reform Minister Leopoldo Bessone, in contrast, described AI as a "respectable" organization, although he refused comment on the report. Responding to press reports of the 1987 AI report, President Jose Sarney acknowledged that there may be a need for greater "penetration of justice" into agricultural regions, but he denied the AI charge of government "acquiescence" in rural violence.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of sex, race, religion, and nationality is unconstitutional, and racial discrimination --illegal since 1951--is a crime excluded from bail. Public opinion polls, however, show most Brazilians recognize that racial minorities encounter substantial de facto discrimination. Nevertheless, no one has ever been convicted of racial discrimination, according to the Ministry of Culture. The Brazilian legal system does not look at intentions, only at "facts." Accused persons have therefore found it expedient to deny that their intentions were discriminatory, with the result that the suits were dropped. The vast majority of the black population is disproportionately concentrated in the lowest economic stratum, a reflection of history and cultural attitudes.

The 1988 centennial of Brazil's abolition of slavery focused public and official attention on the role of blacks in Brazilian society. Contrasting with government and church emphasis on themes of racial harmony and equality, however, were public protests by militant black groups claiming that Brazil's long-heralded "racial democracy" is "a myth." The media also focused on the existence of de facto racial inequality and discrimination. Such criticism drew on 1980 Brazilian census data which show that blacks and mulattos receive proportionally less income and education than whites. Racial discrimination in housing and services has been reported.

Although women constitute one-third of the economically active population of Brazil, they typically earn less than men and rarely achieve senior positions in business. The situation in education, the professions, the cultural sphere, and

government service is one of much greater equality. Study and action groups on women's rights exist in major cities throughout Brazil, and university centers and course work have proliferated. Several state women's councils were established in 1987 and 1988. Greater concern over the abuse of women has led to the establishment of special women's police precincts in 11 major cities, the first having been established in Sao Paulo in 1985. In its first year, the Sao Paulo Women's Precinct attended to 60,000 complaints. By 1988 twenty centers for helping abused women had been installed throughout the state of Sao Paulo, including one center which registers an average of 150 cases of assault and battery against women in an average day. There is a high incidence of assault against women by husbands and lovers sometimes resulting in death and often severe injury, but it has been exceedingly difficult for a woman to obtain a conviction in the courts for such behavior. Women's rights were also addressed by the Constituent Assembly in drafting the new Constitution, which prohibits discrimination in employment or salaries based on sex, age, race, or marital status. Under the new Constitution, all working women are entitled to 120 days of paid maternity leave without loss of employment, and women prisoners are entitled to be accompanied by their nursing children. In reaction to the new Constitution, there have been many reports of employers having either dismissed or refused to hire women employees of childbearing age.

The human rights situation of some of Brazil's Indian tribes deteriorated substantially in 1988, partly as the result of the Federal Government's decisions and actions taken in 1987. Following an August 1987 shooting incident in which four Yanomami Indians were killed by prospectors, the Federal Government declared that all outsiders would be removed from the Yanomami area to protect the Indians. The outsiders who were forcibly expelled included anthropologists, missionaries, doctors, and nurses, while a large number of prospectors remained in the area. By the end of 1988, 16 months later, the medical teams still had not yet been allowed back, but the flood of prospectors had grown to over 50,000 in an area with 9,000 Yanomami Indians. The exclusion of all health workers was extremely detrimental to the isolated Yanomami, the world's largest population of "uncontacted" indigenous people, who do not have natural defenses against infectious diseases common elsewhere. Indirect evidence suggests that, as a direct consequence of the prospector influx, there was a substantial increase in the number of Yanomami who died in epidemics of infectious diseases in 1988. Mercury poisoning also caused serious concern in 1988, due to the extensive use of mercury in prospector operations upriver from the Yanomami settlements. According to the Committee for the Creation of Yanomami Park, it is likely that several hundred Yanomami died unnecessarily in 1988 due to the factors described above. This would constitute more deaths than the total number of killings from rural violence in Brazil in 1987 and 1988 combined.

The country's estimated 220,000 Indians have suffered from government neglect and from the impact of greater contact with non-Indians as Brazil's internal frontier expands. According to Indian leaders, several tribes lost half their population in the last decade due to disease and other factors associated with the colonization of nearby lands. Despite the Government's responsibility under the Constitution and the 1973 Indian Statute to protect the indigenous population, Indians continue to receive only minimal assistance. Land

disputes are getting more violent each year as isolated tribes come into increasing conflict with non-Indian settlers. In May 1988, for example, 14 Ticuna Indians, including women and children, were killed in an incident which a government spokesman described as "genocide." Several persons charged with the murders are in custody, awaiting trial which is expected to begin in 1989. Ticuna leaders allege that police authorities have allowed the man who ordered the killings to remain free. In September 1988, three persons were convicted and sentenced to lengthy prison terms for the 1987 murder of three Indians in Minas Gerais state. According to the Missionary Indigenous Council (CIMI) of the Catholic Church, more Indians have been registered as killed by non-Indians in violent incidents in the past 2 years than in the previous decade.

Indian leaders believe the Government has systematically ignored their needs. They claim that many state and local governments, for example, have refused to pay the salaries of Indian teachers in schools where grade school instruction is in their native language. Indian leaders charge that the Federal Government has systematically used pressure tactics and legal subterfuges to avoid the demarcation of traditional Indian lands, required under both the 1973 Indian Statute and the new Constitution. Instead, they charge, the Federal Government has established national forests which are open to economic exploitation by prospectors and others, as well as colonization by non-Indians. Indian leaders claim that the Federal and state Governments are more concerned about the exploitation of mineral and other natural resources than attending to the needs and rights of Indians.

The new Constitution devotes an entire chapter to the rights of Indians. It guarantees to the Indians the exclusive use of the riches existing in the soil, rivers, and lakes located on their lands, including a share of the proceeds from any exploitation of water, mineral, or energy resources found on Indian lands, as defined by law. Any act which permits the occupation or possession of Indian lands by non-Indians, or which permits exploration or exploitation of the natural resources existing on them (except when there is relevant public interest, as defined by law) will be considered null and void. The Federal Government has the responsibility to demarcate and protect Indian lands. Such lands cannot be sold, and Indian rights over them will not expire under any statute of limitations. Indian groups cannot be removed from their lands except with congressional approval and in cases of force majeure, and their immediate return will be guaranteed as soon as feasible. Exploration or exploitation of mineral resources may take place only with congressional authorization, after consultation with the affected communities. A significant innovation in the new Constitution is that Brazilian Indians, for the first time in Brazilian history, now have the authority to bring suits in court to defend their rights and interests. In all such suits they will be assisted by a public prosecutor.

Section 6 Worker Rights

a. The Right of Association

Brazil's labor code has long provided for representation of all Brazilian workers by unions geographically defined and recognized by the state. The law imposed a system of "unicidade" (prohibiting the existence of multiple unions of

the same professional category in the same geographic area), which also stipulated that no union's geographical base could be smaller than a "municipality." Brazil's newly adopted Constitution retains both of these concepts, but it frees workers to organize new unions out of old ones without prior authorization from government authorities. The new Constitution also eliminates powers previously granted to the Minister of Labor to "intervene" (i.e., depose) a union's independently elected representatives and substitute others of his own choosing. The new Constitution grants the "unrestricted" right to strike to all employees, including public servants, although it requires that strikes not interrupt "essential services" (to be defined by law). The Constitution prohibits interference and intervention in labor unions by the Government, but provides that abuse of the right to strike will be punished under the law. It also incorporates a provision from the Labor Code which prohibits the dismissal of employees who are candidates for union leadership positions from the date of the registration of candidacy until 1 year after the termination of their mandates, if elected, except in the case of serious misdeeds, as defined by law.

Brazilian law does not restrict the ability of Brazilian labor groups to affiliate with international labor groups. The two major labor federations have adopted similar positions regarding international affiliation: their charters mandate cooperation with all international labor organizations and affiliation with none.

Agricultural worker unions in some areas have been the targets of harrassment and even killings by hired gunmen. National leaders of CONTAG charge that state and federal authorities do not adequately investigate attacks undertaken against labor leaders in rural areas. CONTAG charges that the individuals who kill labor leaders in rural areas know that they will escape punishment.

b. The Right to Organize and Bargain Collectively

The right to organize is guaranteed by the Constitution, and trade unions are legally mandated to represent workers. The right to organize and strike extends to the entire Brazilian territory, including the Manaus Free Trade Zone and Export Processing Zones. Although Brazilian laws do not make any provision for a central labor organization, three such groups have emerged. They do not have legal standing to represent any category of workers and have been created in Brazil as nonprofit civil associations.

Brazil's Government has encouraged labor and management to resolve differences through collective bargaining which, as a practice, has become more commonplace. Nevertheless, a system of special labor courts continues to exercise normative powers with regard to the settlement of labor disputes, thereby discouraging direct negotiation. Existing law charges these same courts (as well as personnel linked to the Federal Labor Ministry) with mediation responsibility in preliminary stages of dispute settlement. Arbitration by neutral, professional parties, does not take place.

c. Prohibition of Forced or Compulsory Labor

There have been repeated charges that forced labor continues to be utilized in Brazil, despite Federal government assertions that it is taking steps to halt the practice and

prosecute the perpetrators. In 1988, as in previous years, the Pastoral Land Commission (CPT) of the Brazilian Catholic Church denounced specific labor contractors in certain northeastern and Amazon states for maintaining "slave" work forces. The CPT charged that these contractors deducted transportation and other inflated expenses from the workers' meagre salaries, and employed armed guards to prevent the "indebted" workers from leaving the property. According to press reports, such cases of "slave labor" typically involve the exploitation of vulnerable workers, especially minors or migrants. The CPT charges that such "slave" work forces are most common deep in the Amazon, where jungle areas are being cleared to prepare land for agricultural use. The CPT accuses state and Federal authorities of failing to promptly investigate reports, public or private, of locations where compulsory labor is practiced. In 1987 in Para state, according to the CPT, Federal government representatives waited several months and finally conducted an "inspection" during the rainy season, after all the "slave" laborers had been removed.

State and Federal authorities assert that they fully investigate all such reports but their ability to detect and prevent such abuses is limited by the remoteness of the areas in which the abuse occurs, as well as by the workers' justified fear of employer retribution. In recent years, the Federal Government has prosecuted several "slave" labor contractors in the Amazon region; however, no prosecutions occurred in 1988. Under the Labor Code, the Federal Government is responsible for investigating and prosecuting instances where denunciations of forced or "slave" labor have been made.

d. Minimum Age for Employment of Children

Fourteen is the minimum working age under the new Constitution, except for apprentices, and numerous legal restrictions have been approved to protect working minors under age 18. Under Brazilian law, permission of parents or guardians is legally required for minors to work, and provision must be made for them to attend school through the primary grades. All minors are barred from night work and from work that constitutes a physical strain. Minors are also prohibited from employment in unhealthy, dangerous, or morally harmful conditions. In practice, however, these laws do not prevent the employment of millions of children and adolescents who can be seen working on the streets in every city in Brazil. According to Federal government statistics, 34 percent of all children between the ages of 10 and 14 are considered economically active, and 65 percent of Brazilians between the ages of 15 and 17 are employed. Many, and perhaps most, of these working minors are thought to be working in violation of the law, but accurate statistics are not available.

e. Acceptable Conditions of Work

Organized labor demonstrated growing political strength by working for, and achieving, significant reforms in the new Constitution. A new workweek limit was set at 44 (down from 48) hours; the length of the shift in uninterrupted (24-hour) operations was defined as 6 hours daily; vacation pay was set to be equivalent to at least 1 1/3 times that of normal monthly income; paid maternity leave was extended from 90 to 120 days; the concept of paternity leave was introduced and

provisionally set at 5 days, pending the approval of implementing legislation. The new Constitution also includes significant new labor protections for agricultural workers and domestic employees. Agricultural workers now enjoy the same constitutional protections as urban workers, for the first time in recent Brazilian history.

The new Constitution guarantees to all workers a minimum wage "able to satisfy the vital basic necessities of the worker and his family." The Constitution also requires that salaries be readjusted periodically to preserve purchasing power. Real worker income, however, has fallen short of this mark. Official data available for 1986 indicate that some 42 percent of those economically active, including minors, earned no more than the equivalent of one minimum monthly salary. Periodic 1988 readjustments notwithstanding, that figure remained under $70 (at official rates of exchange) at year's end. According to calculations made by a trade union-financed Sao Paulo statistical research foundation, 1988 minimum wage rates ranged between 15 and 20 percent of the amounts actually required to meet the constitutional criteria.

With regard to health and safety regulations, Brazil appears to have a high rate of industrial accidents, but accurate statistics on job-related health hazards are not available. Unofficial estimates, however, link some 80 percent of social security system medical payments to problems resulting from workplace conditions. On balance, the new Constitution provides an array of protections for workers. Responsibility for enforcement of these provisions lies with government and judicial authorities. In the past, worker rights have not always been vigorously enforced.

CHILE

The October 5 presidential plebiscite was a key event in Chile's recent history and an important step in putting Chile on the road to democracy. In that plebiscite, Chileans were asked to vote on whether President Augusto Pinochet, the candidate selected by the ruling military junta, should continue to rule until 1997. With 92 percent of the adult population registered and voting, Pinochet's continuation as President was rejected by a margin of 55 to 43 percent (the remainder of votes were blank or nullified). Under the terms of the 1980 Constitution, this result means that President Pinochet will remain in office until March 1990, at which time he will be replaced by a successor chosen in direct presidential elections to take place on December 14, 1989. Those elections will also select the first Congress to be permitted since the 1973 coup which brought Pinochet to power. Both the new Congress and the President will assume office on March 11, 1990.

There was vigorous political debate during the campaign leading up to the plebiscite, although the political opposition was denied balanced media coverage and had only limited funding. The vote itself was an impressive affirmation of the Chilean people's desire to return to democracy. The large number of international observers who witnessed the voting reported that it was conducted in a peaceful, orderly, and free manner. However, there were various forms of intimidation and pressure applied to government employees.

The current Government includes both military and civilian officials and operates under the 1980 Constitution, which was adopted by plebiscite. The military Junta exercises the legislative function, and there is a separate judicial branch, but primary authority resides with the Commanding General of the Army and President Augusto Pinochet.

The uniformed national police, the 28,000-man Carabineros, is Chile's largest police force and is under the control of the Minister of Defense. The Carabineros have primary responsibility for public security and safety, crime control, and border security. The 5,000-man Investigations Police, also under the jurisdiction of the Minister of Defense, are responsible for controlling and investigating serious crime. The National Information Center (CNI), responsible for lnternal and external intelligence-gathering, is part of the Ministry of Interior, but the presidency exercises significant de facto control. The majority of this 2,500-man force is composed of military personnel. The 85,000-man armed forces is the ultimate guarantor of constitutional order. During the October plebiscite, the armed forces were responsible for the security of the voting places.

Chile's export-oriented economy is largely based on free market principles. After a major recession in 1982-83, during which real incomes and employment dropped sharply, the economy has grown steadily and rapidly. The year 1988 marked the fifth consecutive year of positive real growth and the third consecutive year of annual growth in excess of 5 percent. As a result, real wages have increased and unemployment, on the whole, has decreased. However, unemployment remains high in urban areas and, while per capita income has risen, income distribution problems remain. Chile has made substantial progress in overcoming its debt problem.

CHILE

Many fundamental human rights remain restricted in Chile. Freedom from arbitrary arrest is undermined by extensive use of vaguely defined and far-reaching state security laws. In 1988, as in the past, there were reliable and in some cases documented reports of torture and mistreatment of persons detained by security forces or by unidentified groups that appeared to be linked to security forces. In addition, there were also cases of kidnapings, beating, torture and, in a few cases, murders in which no suspects have been identified or apprehended. Although the number of such incidents decreased compared to 1987, the absence of any resolution to longstanding cases of serious human rights abuses continues to concern both Chilean and international organizations.

Freedom of the press is also curbed, and the media continue to be subjected to informal government pressures and self-censorship, although access to the media by democratic parties improved significantly during 1988. However, new judicial measures were taken against journalists for publishing news and opinion which military courts found objectionable, and a number of cases initiated in 1987 and earlier remain pending. (At year's end, the Government took action which may result in charges being dropped against 6 of these journalists). The growing number of other cases handled by the military courts, including the unresolved 1976 murder in Washington of Orlando Letelier and Ronni Moffitt, is one of the most serious human rights issues.

However, there were some steps taken during 1988 which represent significant progress in the human rights situation. On August 24 the last states of exception in effect, the State of Emergency and the State of Danger to the Internal Peace, were lifted. (The Government still maintains significant discretionary authority to limit freedoms by use of one or more of the five states of exception provided for in the Constitution or its Transitory Articles.) On September 1, orders for administrative exile were lifted, and several hundred political exiles were permitted to return to Chile.

The Government continued to cooperate with the Special Rapporteur of the United Nations Human Rights Commission (UNHRC). Delegations from other human rights organizations, such as Amnesty International (AI), Americas Watch, and the International Human Rights Law Group, visited Chile during the year and in some instances were given permission to visit prisons and individual prisoners. The 1987-88 Annual Report of the Organization Of American States (OAS) Inter-American Commission on Human Rights noted continued shortcomings in Chile on torture and ill-treatment, personal liberty, judicial procedures, and freedom of expression.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Deaths and injuries resulting from political violence continued during 1988. According to the Vicariate of Solidarity, the human rights organization of the Catholic Church, 27 persons had died in acts of political violence as of October 31. The independent Chilean Human Rights Commission (CHRC) indicates that 25 deaths had occurred due to political violence during the same period. (For a discussion

of the bases of the statistics provided by these two groups, see Section 4.) The deaths resulted from both deliberate or random actions by persons still unidentified. Of the 27 deaths listed by the Vicariate as politically motivated, 9 of the victims were members of the military and security forces. An ad hoc Carabinero prosecutor was appointed in May to investigate the cases of five police officials who were assassinated by unknown persons. One police officer was killed by what appeared to be a command-detonated bomb while responding to a bomb-threat call; another was killed while attempting to arrest a suspected member of the Manuel Rodriguez Patriotic Front (FPMR), a leftist group that advocates violence.

Of the civilian deaths, three persons died when a bomb in their possession exploded, and one woman died in an explosion at a medical clinic. Others listed as victims of politically motivated violence by the Vicariate included three persons killed during an attack on an armored car, a young man shot by a retired Carabinero official during a political demonstration, and a young man struck by police and left unattended during a demonstration. During the night of August 30, following President Pinochet's nomination as the Government's candidate for the plebiscite, three persons in poor neighborhoods were shot by unidentified assailants; two of the victims were in their early teens. Several people were also killed during demonstrations before and after the plebiscite. On October 21, a Carabinero official was killed in an attack on a small rural police station. A self-described spokesman for the FPMR, in a call to a newspaper, termed that attack and another on a similar police post as the start of a campaign to destablize the Government in the postplebiscite period.

According to government reports, terrorist groups in 1988 caused 16 deaths and 97 personal injuries in attacks which included 368 bombings. Rightwing terrorist groups such as the Chilean Anti-Communist Association (ACHA), the September 11 Command, and the National Combat Front (FNC) continued to operate, but there were no deaths attributed to them in 1988.

In January a Carabinero official was found guilty of killing a student in April 1985 and was given a 3-year suspended sentence. Despite the leniency of the sentence, the Vicariate noted this was the first instance in 15 years in which a security official was convicted for a human rights violation. In December an army officer was found guilty by a military prosecutor of manslaughter in the 1986 death by burning of Rodrigo Rojas, a young Chilean who had lived in the United States. A sentence of 541 days in jail was recommended. The verdict and sentence must be confirmed by the military court, which had not acted by year's end.

b. Disappearance

Human rights organizations report that politically motivated kidnapings and threats by private or paramilitary groups continued in 1988. Some reports assert that the method of operation, type of equipment used, and intelligence apparently available to the groups strongly suggest some had government support. Kidnapings continue--CHRC data show 49 kidnapings as of October 31, while Vicariate figures show 11 kidnapings in Santiago as of August 31. As in past years, there were no known arrests or prosecutions in any of these kidnaping cases. Rightwing terrorist groups may have been involved in kidnapings as well as in numerous threats against persons

associated with political opposition organizations, including actors, student leaders, and human rights activists. Charges continued to surface that members of the security and military forces were involved in some of these terrorist organizations. An AI report issued in May claims that Chilean courts still refuse to process investigations of hundreds of disappearances dating to the mid-1970's. During 1988 there were no reports of persons disappearing following detention by security forces or by persons suspected of being official security agents. Investigations into the last reported case of disappearance, of five men in September 1987, are inactive and appear to have been suspended.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture remains one of the most serious, persistent human rights problems in Chile. The Vicariate reported 51 cases through October 31; the CHRC reported 98 as of October 31. Many undocumented cases periodically surface in the international media. Agreements concluded in 1987 by the Investigations Police, the CNI, and the Carabineros with the International Committee of the Red Cross (ICRC), however, appear to have reduced the incidence of torture and lesser forms of police brutality. The agreements, which have generally been honored, allow the ICRC to visit anyone detained by those three organizations for violations of state security laws. They stipulate that the ICRC be provided a daily list of detainees, and be allowed to visit the detainees after the first 5 days of detention and before the detainees are released or brought before the courts. However, the ICRC and the Interior Ministry's Advisory Commission on Human Rights are not allowed to visit detainees if the prosecutor in the case orders them held for 10-day periods of isolation under the antiterrorist law. The CNI continued to abide by the provision in the 1987 agreement with the ICRC to turn over persons it arrested to the Carabineros or the Investigations Police. The U.N. and the O.A.S. Conventions on Torture, signed by Chile in 1987, were ratified in September and entered into force in November. However, the Government attached reservations which have the effect of denying any international involvement in ensuring compliance.

Government officials deny that torture is used or authorized, and assert that members of the security forces are always investigated in cases of alleged mistreatment. In April two Investigations Police members were found guilty of "illegal and arbitrary detention" of two persons in 1980 and given a sentence of 541 days in jail, which was suspended; the two were also ordered to pay compensation of approximately $3,570. The judge found the two not guilty of the more serious charge of torture. In October a judge in Santiago charged six members of the Investigations Police with torturing a person arrested in 1986 for involvement in the attempted assassination of President Pinochet. The charges were overruled by the Santiago Court of Appeals, leaving the policemen free. An appeal is pending with the Supreme Court.

Judicial investigations of torture are seldom concluded, due in large part to the refusal of some state security organizations to comply with court orders to make security agents available to the courts for questioning. Moreover, in one case, three Investigations Police detectives found guilty in 1986 of the torture death of a young man and sentenced to serve 5 years in prison and pay a fine have never done so,

despite a Supreme Court order confirming the sentence. Last year's Country Reports on Human Rights Practices noted that a judge publicly denounced the repeated failure of CNI officials to cooperate with his investigations into 35 separate torture incidents and that the jurisdiction of some of these investigations had been transferred to military prosecutors. In February a military judge demanded that the civilian judge in the case declare himself incompetent to investigate some 20 cases of alleged torture by the CNI. In responding to the request, the civilian judge opined, as he had in the past, that torture cases investigated by military judges implied impunity for those charged. In May the Supreme Court "admonished" the judge for using inappropriate language in his reply. Moreover, in October the Supreme Court suspended the judge for 15 days with half pay for violating the principle "that judges should abstain from expressing or even privately indicating their opinion regarding cases they are called upon to judge."

In October the Catholic bishop of Copiapo denounced the use of electric shocks by Investigations Police in the days following the plebiscite. On October 17 an appeals court in Copiapo dismissed charges against nine persons accused of violating the antiterrorist law, on the grounds that there was clear evidence that their confessions had been obtained by torture.

Human rights leaders agree that Carabinero efforts to conduct themselves professionally and to avoid the use of unnecessary force continued in 1988. Opposition political figures generally agree that Carabinero conduct during legally held political demonstrations of both electoral camps was generally evenhanded; detentions during rallies were relatively low, given the number of participants, and most of those held were released within 24 hours. The Carabineros were praised by both Chilean and foreign observers of the October 5 plebiscite. Activities of some persons in the police force, however, detracted from the improving record of the Carabineros. During celebratory demonstrations held by opposition forces after the plebiscite, excessive force was used in some areas. Two officers have been charged with attempted murder for beating a youth in demonstrations in Santiago. A Carabinero special force unit attacked and beat about 20 Chilean and foreign journalists filming political demonstrations on October 6 and 7. An internal investigation was under way at year's end.

d. Arbitrary Arrest, Detention, or Exile

Under Transitory Article 24 of the Constitution, the Government may order detention for 5 days without affording a detainee the right to a judicial hearing, or for as many as 20 days in cases where terrorist acts are alleged to be involved. In some cases involving the special military prosecutor, the detainees have had their access to lawyers limited even after the prosecutor formally charged them. The ad hoc military prosecutor continued to order arrests of persons suspected of being linked to the four cases under his purview: the discovery of an arms cache in 1986, the attempted assassination of President Pinochet in 1986, the kidnaping of an army colonel in 1987, and the 1986 assault on a bakery in which a Carabinero official was killed. None of those arrested in these cases have been brought to trial. On December 27, the military prosecutor was promoted to the top position in the military justice system. On December 28, the Supreme Court overturned a decision by the military court that the special prosecutor

had exceeded his authority in seeking data from the Vicariate of Solidarity.

The Vicariate of Solidarity reported 752 individual arrests and 2,883 group arrests in demonstrations through October 31. The Vicariate reported 669 individual and 2,596 collective arrests in all of 1987, and 637 individual and 3,969 collective arrests in all of 1986. The CHRC reported 636 individual arrests and 3,713 collective arrests as of October 31. Only a small number of those arrested were arraigned before the courts; the vast majority of those detained were released without charges, or charged with minor violations.

Many of those detained under Transitory Article 24 are never charged and are released after several days. The state security laws often appear to be used to harass opponents of the Government. Persons are detained for prolonged periods of time while their cases are investigated or released on bail without any formal charge against which they can defend themselves. Four persons associated with the Vicariate are in this position. Moreover, charges are often levied well after the event, heightening the impression of arbitrariness and harassment. For example, labor leader Manuel Bustos was taken from his home at 6 a.m. on January 29 to answer questions regarding an alleged attempt to encourage disorder in the Armed Forces because of a statement of his which had been published in the magazine Analisis the year before. Father Jose Aldunate of the Sebastian Acevedo Movement Against Torture was similarly detained on October 17 to give a statement regarding offenses against the Armed Forces stemming from comments in a bulletin published by his organization in June 1987.

Once formally charged with or convicted of violations of state security laws, the accused are generally imprisoned separately from common criminals and have rights of visitation and communication with their families, friends, legal counsel, and representatives of the ICRC. The ICRC has access to most of those detained under the state security laws after a 5-day period of incommunicado detention.

On September 1, the Government terminated administrative exile orders, paving the way for about 300 people, primarily political figures and their families, to return to Chile. Some who accepted a term of exile as an alternative to a prison sentence handed down by a court are eligible to return, but if the term of the original sentence has not expired they could be subject to imprisonment. Several prominent political figures who had been exiled for 15 years returned to Chile. Among them were the widow and daughter of former President Allende, several of his cabinet officials, and leaders of the banned Communist Party. Clodomiro Almeyda, the Foreign Minister in the Allende Government who was sentenced to 541 days in prison for violations of the antiterrorist law and for illegally entering the country from exile, was released on October 18. The Supreme Court, acting on a petition from his lawyers, reduced the sentence to the time he had already served in jail.

On August 17, the Supreme Court sentenced president Manuel Bustos and vice president Arturo Martinez of the Unified Workers' Central (CUT) to 541 days' internal exile. The action stemmed from a petition by the Ministry of Interior to overturn an appeals court verdict exonerating the two from

charges relating to the deaths of persons in the wake of a general strike.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair trial remains limited by Transitory Article 24. First instance jurisdiction for the prosecution of proscribed political activities remains with the regular civilian courts, but broad interpretation of state security laws has greatly expanded military court jurisdiction. As in most civil law systems, trial is not by jury, reliance is on the written record rather than oral testimony, and the judge renders his verdict after directing the investigation. The investigation phase is considered secret, with limited access to evidence or testimony which has been developed by the judge. Secrecy makes it extremely difficult to ascertain if justice is being done. There is a well-developed, multistage appeal process leading ultimately to the Supreme Court. Weapons violations (often the basis of charges against suspected terrorists) and charges of "offenses against the Armed Forces," including slandering the Commander-in-Chief of the Army (President Pinochet), are tried before a military court. Appeals may be made to a military court consisting of two civilian judges and three military judges and, in the last resort, to the Supreme Court.

Investigation by the courts of present and past human rights violations made little progress during 1988. Human rights organizations continued to report that judges failed to investigate vigorously charges of government abuses of human rights. In May the Supreme Court charged a military prosecutor with serious and grave delays in the four cases of illegal arrest and brutality under his direction and ordered the military courts of the Army, Air Force, and Carabineros to adopt appropriate means to oversee timely processing of cases by military prosecutors. There has been no progress in the investigation by a military tribunal into the deaths of 12 members of the FPMR in June 1987.

The investigation by a military judge into the July 1986 burning of Rodrigo Rojas (who died) and Carmen Gloria Quintana (who was severely injured) during an antigovernment protest was concluded on December 25, with the judge recommending a commuted sentence of 541 days in jail for the commander of the military patrol involved. The sentence must be confirmed by the military court, and both sides may appeal the judgment.

The Social Aid Foundation of the Christian Churches (FASIC) reported that, as of September 30, there were 433 persons in prison and 597 persons facing judicial proceedings related to state security laws. Forty-five of these people have been in prison since before 1983, but the majority (197) were detained in 1986 and 1987. Ninety-five were detained in the first 9 months of 1988. Of the 597 judicial proceedings, 477 are before military courts. Another 108 persons were released on bail during 1988, and 6 were released after completing their prison terms. Of a total prison population of 433 involved in violations of state security laws, 71 have been convicted and are serving their sentences, while 362 remain in detention with their cases still under investigation. In at least one case, the investigation phase has lasted 7 years.

CHILE

International attention continued to focus during 1988 on nine prisoners who face possible death sentences because of charges of involvement in assassinations of senior military officers, bank robberies, and killings of Carabineros. Defense lawyers charged that all were tortured, and their confessions obtained under physical and psychological duress. Human rights organizations have assisted 12 prisoners, including the 9 facing a possible death sentence, to obtain visas to other countries. This was done in the belief that possession of such visas might either allow these prisoners to seek remission of their prison terms for exile or protect them from the death sentence. While the Government permitted many Chileans serving prison sentences related to politically motivated acts to seek exile in the mid-1970's, this practice has been severely restricted in recent years. One reason given has been that some of those who sought exile later returned to Chile illegally and became involved in terrorist activities. In August a petition by the military prosecutor for the death penalty for three persons found guilty of killing an army general in 1983 was denied. The penalty can only be imposed by unanimous decision of a military court and one judge voted against the death penalty. The military prosecutor appealed the decision to the Supreme Court in September on the grounds that the dissenting judge applied personal, not judicial, criteria to the case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Searches of the home and interception of private communications are permitted by the Constitution, provided search warrants are issued by either a civilian or military court for specific locations. The 1984 antiterrorist law provides for surveillance of those promoting political views contrary to the Constitution or those suspected of terrorist crimes, and for intercepting, opening, or recording private communications and documents in these cases. The requirement to obtain proper court documents for searches and surveillance, however, was not always complied with during the year. A significant number of searches were carried out by security forces or by armed groups who failed or refused to show identification, or without the necessary court orders. Many searches were conducted in the early hours of the morning, often with force and violence. However, the Vicariate of Solidarity noted that during 1988 there were no reported instances of security forces closing off an entire neighborhood in order to conduct searches as had been done in the past.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution recognizes freedom of speech and press, but these freedoms are severely restricted. Article 8 provides for sanctions against "persons or groups propagating doctrines undermining the family, espousing violence or a concept of the society, the state, or legal order of a totalitarian character or contrary to the institutional order of the country...." Violations of this Article may include media coverage, commentary, or publicity about such groups or doctrines. The military code provides for sanctions against persons charged with "offenses against the Armed Forces." Critical editorials, satirical reports, and articles on issues deemed sensitive by the Armed Forces have been cited under this

provision. Laws also exist specifically dealing with security violations and terrorism. On December 30, the Government dropped charges against the six journalists named in the two media cased before civil courts. Earlier in the year, several civil and military court cases were dismissed or terminated. However, at year's end military court cases on charges for "offenses against the armed forces" continued against approximatey 26 Chilean citizens, including 18 journalists, involved in publishing, or writing for publication, news stories or commentaries. In 1988 new charges were brought in military courts against 17 persons, 6 of whom faced earlier charges. All of those with charges remaining were connected with five publications: the opposition weekly magazines Analisis, Apsi, and Cauce, the daily newspaper Fortin Diario, and the Jesuit monthly Mensaje. Analisis magazine editor Juan Pablo Cardenas served 541 days of nightly imprisonment for "offenses against the President of the Republic" in editorials published in 1986. Cardenas also is cited in four additional cases, two of them filed in 1988, before the military courts. Apsi editor Marcelo Contreras is named in two cases before a military court. Cauce editor Francisco Javier Herreros also is named in five cases, all before military courts. Fortin Diario editor Alberto Gamboa faces two charges, one for publishing a book on his experiences
in a concentration camp following the 1973 coup. Cases are also pending against personnel of the weekly magazine Hoy, the daily newspaper La Epoca, and other publications. One civil court case, against the daily newspaper La Prensa Austral of Punta Arenas for publishing a story about exiles, was dismissed.

The media continue to be the target of political violence and threats, including extralegal pressure from extremist groups. Radio stations in the smaller towns have been subject to harassment, through means ranging from strict and selective application of technical regulations to anonymous threats against advertisers. One station, in the northern town of Iquique, was forced off the air for 7 months for alleged technical violations. After receiving permission to resume broadcasting, the station's transmission tower fell over, reportedly because the mounting bolts had been removed. Advertisers on a station in the south received threatening letters, and the business premises of one advertiser were bombed. In February police deactivated a bomb found in the offices of the conservative newspaper El Mercurio of Valparaiso, but in March a bomb exploded in the newspaper's offices. In May a firebomb was thrown into El Mercurio offices in the town of La Calera. In April a photographer of the opposition daily Fortin Mapocho was beaten, and in August the offices of the publication were stoned. In September leftwing extremists assaulted a radio station in order to broadcast propaganda. On the nights of October 6 and 7, groups of journalists, most of them foreign, were attacked by a Carabinero special forces unit in downtown Santiago following the breakup of victory celebrations by opponents of the Government. The journalists charged that some 20 to 25 of them were deliberately pursued and clubbed by the police.

With the lifting of the states of exception on August 24, it is no longer necessary to obtain government permission to begin publishing a newspaper or magazine. The Government continues to exercise control over the media through legal actions, economic pressures (several major media enterprises are seriously in debt to government financial institutions), and pressure on personnel and editorial decisions. However,

the level of censorship decreased in the period leading up to the October plebiscite, and this improvement continued through the last months of 1988.

The Government itself directly operates the country's largest television network. The other television stations are monitored, and program planning remains strongly influenced by self-censorship. In 1988, however, there was a gradual change in the practice of giving coverage only to the government viewpoint, which had been the case for many years. By the end of the year, all channels were giving substantial coverage to a wide range of political viewpoints. In January Channel 11, operated by the University of Chile, became the first to offer a regularly scheduled public affairs discussion program which included political leaders critical of the Government. In March Catholic University Television began a series of weekly panel shows which included personalities from a wide range of the political spectrum. As the plebiscite approached, the news coverage given to opposition leaders by the nongovernment channels increased, although the overall time given to government views remained vastly greater. From September 5 to October 1, all television stations carried, by law, a 30-minute block of free political advertising each day, divided equally between supporters of the Government and the opposition. This block immediately received high viewer ratings, and many Chilean commentators believe this television access by the opposition was a significant factor in its plebiscite victory on October 5. Although political advertising ended on October 1, coverage of opposition political leaders by the nongovernment media in the postplebiscite period remained relatively frequent; during the last months of 1988, government-owned national television and radio systems began to give substantial news coverage to a variety of political events and views.

The Government announced that a new radio and television law designed, among other things, to "privatize" television, is being prepared for submission to the military junta, but its provisions remain unknown.

b. Freedom of Peaceful Assembly and Association

Restrictions on peaceful demonstrations and association, already reduced in 1987 with the legalization of political parties, were further relaxed in August with the lifting of the states of exception. Although official permission to hold rallies was no longer technically required, authorities had to be notified in writing of planned public events; on several occasions, police authorities cited public safety concerns as justification for changing the venue of opposition rallies to more distant locales. There were credible reports that Carabinero forces were quicker to employ tear gas and water cannon to disperse rowdy elements of opposition rallies than of progovernment rallies. Those who held demonstrations or protests without notifying officials in writing and in advance were subject to arrest and prosecution.

On August 29, a group of protesters, most of them women, conducted a peaceful march while holding cutouts of human figures painted with the names of victims of human rights abuse and the question, "Have you forgotten me?" The group was dispersed with water cannon and tear gas. On September 22, a progovernment demonstration held without prior notice at the presidential palace was also dispersed with tear gas. Similar excessive force was employed on September 15 against those,

many of them foreign members of the International Confederation of Free Trade Unions, accompanying labor leaders Manuel Bustos and Arturo Martinez when they surrendered to the court to begin their internal exile.

On October 23 the United Left (a nonregistered party made up primarily of Socialists and Communists) held a rally; Clodomiro Almeyda, head of one of the Socialist Party factions who had been released from jail a few days before, was one of the principal speakers, despite a court order denying him the right to speak in public. Organizers of the rally subsequently claimed that police injured two demonstrators. Subsequent public meetings by the United Left were held without reports of incidents.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religion. Although Chile is predominantly Roman Catholic, there are no restrictions on religious practices and no official discrimination against any religious group. A number of Protestant denominations and other groups are active and report full freedom and tolerance, as does the local Jewish community. Religious belief and adherence appear to have no effect on acceptability for government positions. The Mormon Church continued to be a target of leftwing terrorist groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Chileans are promised full constitutional freedom to move within and to enter and leave their country. However, as noted, two Chilean labor leaders were sentenced to internal exile in August. About 350 Chileans were denied the right to return to Chile until September 1, when orders for their exile were lifted by President Pinochet. International organizations dealing with political refugees believe that the number who returned to Chile in 1988 was approximately 650, a number far exceeded by those who left for political reasons. Many exiles presumably choose to remain in their adopted countries for economic and family reasons. Some human rights groups assert that former exiles associated with the political left face excessive scrutiny of any degrees or licenses they may have earned abroad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In keeping with the terms of the 1980 Constitution, on August 30, the Commanders-in-Chief of the Armed Forces and national police selected a single candidate for a plebiscite which was held October 5. That candidate, President Pinochet, was defeated; he will continue as President until March 11, 1990. Before that date, competitive elections for a president and the Congress must be held; they have been scheduled for December 1989.

Foreign and Chilean observers of the plebiscite unanimously agreed that it was conducted in a free and fair way, and praised the election procedures for safeguarding privacy and accountability. The Chilean Armed Forces and Carabineros were also praised for their exemplary conduct on election day.

CHILE

Women are active in Chilean political life and have served in such important government positions as mayors, agency heads, and ministers, although none is currently in the cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

During 1988 the Government continued to cooperate with the UNHRC Special Rapporteur and provided another detailed reply to the Special Rapporteur's report on the human rights situation in Chile. The Special Rapporteur visited Chile in October, during the plebiscite.

The Government also continued its cooperation with the ICRC, which provided confidential reports to key government ministries on the results of its visits to prisons, as provided for in the agreements signed late in 1986 and early in 1987 with the CNI, the Investigations Police, and the Carabineros.

The Government permits visits and investigations by private international human rights groups, but a number of visitors as well as diplomatic personnel assigned to Chile were denied permission to visit specific prisoners even after seeking permission in writing. In past years such permission had been given more readily. The Government made no effort to impede the many international observers of the plebiscite and vote-counting on October 5.

The Catholic Church continues to take the lead in defending human rights. It supplies legal counsel to those accused of politically related crimes and to victims of human rights abuses. Its Vicariate of Solidarity monitors the human rights situation throughout Chile, issues factual monthly reports, and protects and defends significant numbers of people. The statistics provided by the Vicariate generally cover cases actually handled by it. The Chilean Commission for Human Rights (CHRC), a private organization directed by opposition political figures, also continued to publicize abuses. Statistics provided by the CHRC cover violations brought to their attention throughout the country. Since some persons involved in human rights violations may not go to the Vicariate for assistance, the CHRC statistics provide a wider but less first-hand picture of human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Minority groups do not suffer from any specific legal discrimination. The only significant racial minority, the Mapuche Indians in southern Chile, remains separated from the rest of society because of historical, cultural, educational, and geographical factors rather than official policy. Some Mapuche leaders charge that government policies throughout the years have failed to take into account the different cultural values of the Mapuche, particularly in the areas of land ownership and education. They have continued in some instances to refuse to participate in government attempts to assign land to individual families, preferring to retain the land as tribal property.

Legal distinctions between the sexes still exist. The legal retirement age for women is 5 years lower than that for men. Married women may not conduct major commercial transactions

unless a separation of goods contract is established at the time of marriage, or through a subsequent special one-time authorization. Inheritance laws provide strong protection for wives and favor female over male heirs. Proposed legislation to modify portions of the laws relating to women is under consideration but no action was taken by year's end. The changes would affect such matters as allowing women to take children out of the country without the father's permission and relaxing restrictions on women engaging in business transactions.

Average salaries paid to women for similar work are lower than those paid to men. In 1983 females made up 48.8 percent of the primary school enrollment, 50.5 percent of secondary school pupils, and 40 percent of university students. Women enjoy good access to low-level and midlevel professional jobs but do not hold a proportional number of high-level positions.

Section 6 Worker Rights

a. The Right of Association

Most aspects of labor rights are codified in 12 laws passed in 1987. The law regarding political parties discriminates against trade union (and professional association) leaders, prohibiting them from being officers of political parties. Legal challenges to this provision were rejected in 1987. Officials of those union organizations which lack legal standing continue to be active in political parties.

Legally recognized unions do not need permission to hold union meetings or conferences. Under the law, unions cannot elect as an officer a person who is under indictment. The labor code also prohibits the development of national union confederations. Labor unions can and do maintain relations with international labor bodies in their fields. The Government selects Chilean worker delegates participating in the conference of the International Labor Organization (ILO), and in 1988, as in the past, the Government sought to avoid challenges to the credentials of these delegates by consulting with representative trade unions in Chile. However, in selecting delegates to represent the Chilean workers in the ILO, the Government ignores the major de facto umbrella labor organizations, such as the National Workers' Command (CNT), which the Government does not recognize. The Government's refusal to select delegates for the ILO from these de facto umbrella organizations has been the major issue in the challenges to credentials in the ILO. These challenges have not had sufficient support in the ILO to be successful.

Under the labor code there are severe restrictions on the right to strike. Strikes are prohibited in designated strategic enterprises, primarily public utilities, the largest government copper mine, and the petroleum industry. In 1988 the Government confirmed the 1987 designation of 25 enterprises as strategic. There is no indication that blacklisting of trade union leaders and members who participated in illegal strike actions in past years has ended; however, there was no instance of massive dismissal of workers for striking in 1988.

Harassment of trade union leaders continued. On January 26, leaders of the National Workers' Command, which was subsequently subsumed into the Unified Workers' Central (CUT), were sentenced to 541 days' imprisonment for calling a general

strike on October 7, 1987, in the aftermath of which several people died. In handing down the sentence, the judge recalled previous arrests of the union leaders, Manuel Bustos and Arturo Martinez, for activities "characterized by their violence, sowing of hatred, stench of resentment, series of vulgarities and dangerous demonstrations." An appeals court overturned the conviction. Subsequently, the Minister of Interior appealed to the Supreme Court to restore the original sentence; on August 17 the high court imposed a sentence of 541 days of internal exile, a sentence rarely handed down by Chilean courts. Bustos and Martinez are currently the only persons subject to this type of punishment. They are confined to small towns in the interior of Chile.

Organized labor continued to press for a full investigation of the 1982 murder of labor leader Tucapel Jimenez. Efforts to have the Government appoint another judge to investigate this murder were not successful, and the case remains officially closed. While the Government dropped indictments against a political leader and a trade union officer for having slandered the Government in this case, interest remains high within Chilean and international trade union circles that this case be reopened.

For a number of years, complaints have been filed in the ILO against the Government, alleging repressive measures against demonstrations; arrest and ill-treatment of union leaders; violent suppression of May Day demonstrations; and dismissal of strike leaders. In 1988 additional allegations were filed, to which the Government provided an extensive response. On December 24, 1987, after failing to make promised changes in its labor code to enhance workers' rights, Chile was formally suspended from the list of countries eligible to participate in the U.S. Generalized System of Preferences (GSP) program, and it remained off the list in 1988.

b. The Right to Organize and Bargain Collectively

Workers in Chile have the right to form and join unions. While the rules governing union organizing in firms employing between 25 and 50 workers were eased in 1988, there are generally severe restrictions on collective bargaining. Collective bargaining is strictly regulated, and the entire collective bargaining procedure can be nullified if one legally constituted deadline is missed by either the union or management. Further, any decision by a union to delay the bargaining process in anticipation of a more propitious future bargaining atmosphere automatically extends the current contract for a minimum 2-year period.

There are no export processing zones or other special districts where different laws apply.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is implicitly prohibited in Chile's Constitution and labor code, and there have been no complaints on this issue since the mid-1970's.

d. Minimum Age for Employment of Children

Child labor is regulated by law. Young people between the ages of 14 and 15 may be employed only with the permission of their parents or guardians and if they have completed their schooling, and then only in restricted types of labor. Those

between the ages of 15 and 18 can be employed in a larger variety of labor and at expanded hours, but only with their parents' or guardians' permission. Economic factors have forced many children to seek part-time and full-time employment in areas of the economy which are generally difficult to regulate.

e. Acceptable Conditions of Work

Minimum wages, hours of work, and occupational safety and health standards are regulated by law. The law permits the hiring of apprentices, but pay may not be less than the minimum wage. Laws covering wages and hours of work are difficult to enforce, and there are complaints that occupational health and safety laws are not adequately enforced. Workers have the right to denounce employees who pay less than the minimum wage, and employers can be forced to pay back wages, but an employee who brings such a complaint risks losing his job for having done so.

The normal workweek is 48 hours long. The minimum wage is approximately $50 per month. It is not considered sufficient for a decent standard of living, but many households have two full-time income earners.

COLOMBIA

Colombia is a constitutional, multiparty democracy. Two parties, the Liberals and the Social Conservatives, have dominated national politics since the mid-19th century, but smaller parties are usually represented in Congress, state assemblies, and among popularly elected mayors. The Constitution provides for independent legislative and judicial branches of government. In practice, the Congress and the courts provide significant checks on the President's ability to act unilaterally.

Internal defense is the responsibility of the Ministry of Defense, which includes the police. The Ministry of Defense is responsible directly to the President of the Republic and operates under full civilian control.

Colombia has a mixed economy in which private enterprise plays the dominant role. The coffee industry, which accounts for one-third of the country's legal export earnings, is in private hands, as are most entities engaged in manufacturing, agriculture, and provision of services. There is a relatively large informal economy. State enterprises control domestic participation in the oil and coal industries and play a deciding role in the electrical and communication utilities.

Despite Colombia's tradition of democracy, the country has suffered from social unrest and violence during most of the past 40 years, and it has recently been fighting threats from both political extremes as well as from enormously wealthy narcotics traffickers. Colombia's human rights problems originate in the violence from these three sources. The extreme left includes several well-financed Marxist-Leninist guerrilla armies which use guerrilla warfare, terrorism, political assassination, kidnaping, extortion and robbery to achieve their goal of overthrowing Colombia's democratic Government. They also frequently work with the narcotics traffickers and deal in drugs to finance arms and operations. The extreme right is made up of disparate groups, mostly civilian, but at times including members of the security forces. Less well organized and coordinated than the left, these groups also practice assassination, kidnaping, vigilante justice, extortion, and robbery, and have also engaged in narcotics trafficking. They defend their actions as an anti-communist crusade in the face of what they see as a Government incapable of recognizing and dealing with a serious subversive threat. The traffickers kidnap, threaten, and murder officials and judges to intimidate the Government into giving the major narcotics dealers de facto immunity from prosecution, leading to a public perception of an impotent judiciary. The traffickers cooperate with the guerrillas in areas where the narcotics are grown and processed but come into violent conflict with them in regions where guerrillas try to extort money from land-owning traffickers.

In this environment the Government has resorted to extraordinary measures to cope with the problems, including state of siege decrees, a presidential peace plan, and military and police actions aimed at reasserting government control. The constitutionally authorized state of siege allows the President to legislate by decree, although the decrees are subject to automatic constitutional review by the Supreme Court. Constitutionally provided civil liberties cannot, therefore, simply be set aside. President Barco used his state of siege power in 1988 chiefly to combat terrorism

and violence by guerrillas and narcotics traffickers. The Supreme Court struck down those parts of the 1988 decrees which gave the police and army enhanced search and arrest powers but left in place some restrictions on press reporting of terrorist acts.

Over 16,000 victims of homicide were recorded in 1988, one of the highest rates in the world. Some 10 percent of these are thought to be politically related, and Colombia's elected officials acknowledge the seriousness of human rights problems. The President has expressed his commitment to ending the impunity with which many violators of the law currently act. In that regard, the security forces have been brought under greater civilian judicial control and are now subjected to scrutiny by official human rights monitors and prosecutors with a high degree of independence. Colombian military officials claim that the military judicial system is currently investigating, prosecuting, and incarcerating over 500 military personnel for human rights abuses. By the end of 1988, it was not yet possible to determine how effective these steps were likely to be in ameliorating the problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Growing numbers of unsolved killings continued to plague Colombia in 1988. Determining motivations for individual murders is difficult, due in part to a judicial system which lacks the resources to investigate and prosecute most of these crimes. However, informed observers believe that approximately 1,500 of the more than 16,000 murders committed in Colombia in 1988 were politically motivated. This number does not include the approximately 450 police and military who were murdered, most in leftwing terrorist assassinations. These killings result in part from the activities of well-financed guerrilla groups conducting campaigns of intimidation, extortion, and infiltration of many of the country's most productive areas and industries, and in part from rightwing activists who have resorted to intimidation and assassination of leftwing politicians (some of whom are aligned in various degrees with the insurgents) and the civilian support networks of the guerrillas. The situation is made more volatile by the presence of some of the world's wealthiest and most ruthless criminal organizations, the cocaine cartels, which intimidate the judicial system, fight each other for control of major markets, and conduct their own vigilante campaigns against the guerrillas. But despite this competition, there is some evidence that common criminals and guerrillas collaborate on kidnapings for ransom and share the proceeds. The resulting atmosphere of lawlessness has led to an increase in violent common crime. While the Government has had successes in controlling violence in some areas, there is a general perception that impunity reigns; many people simply assume the Government is unable to punish wrongdoers in serious criminal cases. A major 1987 study found that the largest increases in violence have occurred in cities such as Medellin and Cali, where the narcotics traffickers are strongest, and in rural areas where guerrilla activity is significant. One small city in the eastern plains, San Jose de Guaviare, where both the guerrillas and narcotics traffickers had strong presences, ranked with the major urban

ranked with the major urban centers in absolute numbers of murders. When the army and police moved into the city in force and remained there in early 1988, driving out both the traffickers and the guerrillas, the murder rate dropped off dramatically.

Two nongovernmental organizations in Colombia compile information about killings which have possible political motives: the Executive Staff of the Permanent Committee for the Defense of Human Rights, and a Jesuit social research organization, CINEP. The Permanent Committee staff compiles information from newspaper sources and denunciations and publishes a bimonthly bulletin of cases. CINEP compiles its information from the 10 leading newspapers in Colombia, cross-checks the reports with parish priests and local human rights observers, and publishes the results in a quarterly bulletin. Both bulletins support an approximate tally of 1,500 political killings in 1988. However, the facts presented are frequently sketchy, often making it difficult to determine why a particular killing is labeled political.

In 1987 the Government published a list of 140 organizations thought to be involved in extrajudicial killings and covering the entire political and criminal spectrum. A study published in the magazine Futuro in September 1988 supported the contention that violence touches all the political parties, although disproportionately. The study counted the number of public and party officeholders who had been killed from the time President Barco took office until September 1988, a period of 23 months. It found that during that time 235 members of the Conservative party, 258 members of the Liberal party, and 339 members of the much smaller leftist Patriotic Union (UP) were murdered.

Interparty violence is not new to Colombia. However, the introduction of the Patriotic Union party into the political scene in 1984 changed the focus from conservative vs. liberal violence (the more traditional battle which had been largely brought under control) to that between extreme rightwing and leftwing groups. The UP was formed by the largest guerrilla group in Colombia as one result of President Betancur's peace initiatives, and some in its leadership retain active ties with the guerrillas. Since its inception, the UP has suffered from a very high level of assassinations and intimidation. There is little doubt that narcotics traffickers and individual members of the military and police have been involved.

Labor also suffers a disproportionately higher rate of violence. The largest workers' confederation, the Unitary Workers Central (CUT), listed 143 of its members as being killed in the first 7 months of 1988. Many of the affiliates of CUT are Communist controlled, and some, like the banana workers unions in Uraba, are controlled by guerrilla groups. Many union members have therefore been drawn into events surrounding guerrilla activity and the violence associated with it. Democratic trade union leaders have been threatened and assassinated by guerrillas trying to weaken and intimidate moderate unions. As the year was coming to a close four workers at a cement plant in Puerto Nare were killed by members of the guerrilla group Revolutionary Armed Forces of Colombia (FARC); two other workers were tortured but survived. Peasants have also been frequent targets. Statistics compiled by security forces and released to the press in November show that over 450 campesinos were killed by

guerrilla groups as of November 19, and 1,647 were killed by "other groups."

There was a dramatic increase in the incidence of massacres in 1988. In the first 6 months of the year, official sources noted 22 massacres (defined as five or more people murdered in one incident) leaving 231 victims. According to police statistics, over 70 percent of this violence has occurred in the Uraba region of Antioquia and nearby Cordoba and has stemmed from labor friction, increased guerrilla activity, and the recent purchase by narcotics traffickers of large tracts of productive land in areas where guerrilla and common criminal extortion and kidnaping schemes have forced out traditional landowners.

Amnesty International (AI) declared a "human rights emergency" in Colombia and released a special report on the situation in April. AI focused almost exclusively on violence caused by what it describes as a government campaign, run by the military high command, designed to wipe out political opposition. This attribution of nearly all political violence to the Government was immediately rejected as inaccurate and misleading by Colombians with a wide variety of political views. The difference between AI's report and the more complicated picture visible to other observers of human rights in Colombia caused many to question AI's methodology and conclusions. AI appears to have relied heavily on the reports and conclusions of the Permanent Committee for the Defense of Human Rights and on members of the guerrilla-affiliated Patriotic Union. The presidential Counselor for Human Rights denied Government complicity in political killings and complained that AI did not give proper weight to violence committed by all nongovernmental elements.

Information contained in the CINEP bulletin points to only a few unsolved cases which may have been perpetrated directly by the security forces. However, great uncertainty exists about the extent to which the security forces are involved in aiding and abetting political killings by private vigilante groups. In some instances, local military units have supported the establishment of village self-defense groups, which in most cases consist of persons with only rudimentary training and arms. A Department of Administrative Security (DAS--roughly equivalent to the Federal Bureau of Investigation in the United States) investigation into the Uraba massacres of March and April disclosed that the farms where the massacres occurred, and many of the victims, had been subjects of military intelligence surveillance. DAS did not accuse the military of committing the killings, but a criminal indictment was handed down against an intelligence officer and two police officials for being involved in planning the crimes.

In the case of a November 11 nighttime massacre in Segovia, Antioquia, which left 42 people dead and over 30 wounded, the local army and police commanders were charged with negligence for not protecting the town. The random killings in this incident did not follow the pattern of previous massacres, and the perpetrators are still unknown. The Government established a high-level commission to investigate the incident, and the new Defense Minister, Manuel Jaime Guerrero Paz, promised to work to eliminate all illegal armed groups of both the right and the left. Following the Segovia massacre, the President issued new decrees designed to attack terrorism from rightwing groups.

COLOMBIA

Until recently the military had jurisdiction over all active military members. There is little evidence, however, that it has vigorously sought to purge its ranks of those who commit human rights abuses. In many cases, abuses have been dealt with in a "court of honor," which often led to the discharge of officers and men from military service, but not to criminal prosecution. The Attorney General and the presidential Counselor for Human Rights conducted a campaign in 1988 to have active military members, including the police, tried in the civilian court system for acts committed outside the scope of their duties. In August civilian investigations led to indictments against two policemen in the execution murder of two UP members, two army officers for planning and financing the assassination of a UP mayor, and an officer and policemen, along with Pablo Escobar, the leader of the Medellin Cartel, for planning the March massacre of active supporters of the People's Liberation Army (EPL) guerrilla group in Uraba. A decision is still pending as to whether the cases will be tried in civilian courts. In a conference on "impunity" on September 19, President Barco said, "the military must accept that excesses, violations of orders and laws, or criminal acts committed outside of service by members of the military, will be quickly and exemplarily punished."

b. Disappearance

Most disappearances take place in areas of active guerrilla insurgency as a result of voluntary or forced recruitment by the guerrillas, flight from such recruitment, executions by either the guerrillas or vigilante groups, or common kidnaping. The army has been accused of abducting local residents to act as guides, but the one case which aroused international interest ended when the "disappeared" person appeared before a local judge to say he was working for the army voluntarily.

Most international concern centers on apparent arrests and disappearances attributed to security forces. Stories abound of people in rural areas being led off into the night by uniformed men. However, uniforms of security forces and guerrillas are often identical, as are the weapons. Narcotics trafficker assassination squads also use the same fatigue-type uniforms and employ anyone willing and able to carry out their illegal activities, regardless of political orientation. Ex-soldiers and policemen have been implicated in some incidents.

Kidnapings increased in 1988. A leading newspaper noted 616 kidnapings as of December 17. As of the end of the year, over 500 victims remained in the hands of their captors. Three U.S. citizens were kidnaped by guerrillas in the last year. Two were released by the FARC after 8 months of captivity and one is still being held, presumably by the National Liberation Army (ELN).

Guerrilla kidnapings of landowners garner vast sums and often force families off the land. According to media accounts, this tactic has motivated some landowners to form vigilante groups. Narcotics traffickers often purchase land from distressed owners and hire their own assassins (one such group is known as Death to Kidnapers (MAS)) to go after guerrillas or their perceived supporters. The guerrilla group M-19 kidnaping of conservative leader Alvaro Gomez on May 22 created a political crisis. Gomez was held for 2 months and

finally released after the M-19 received promises from nongovernmental groups for national conciliation talks.

Narcotics traffickers also use kidnapings to intimidate and weaken the Government. In January, in order to pressure the Government into ending extradition, a group known as the extraditables kidnaped both the conservative candidate for the mayor of Bogota and the Attorney General. The mayoral candidate was rescued on January 25, the same day that the Attorney General was killed.

The Attorney General's human rights office was created by President Barco in 1986 specifically to investigate allegations of official disappearances. The office has received over 400 complaints, of which 70 are still under investigation. In most of the other cases, legal time limits for the conduct of investigations had expired before any suspects had been identified. The director of the office is obligated to ensure that commanders of accused police and military units carry out investigations; the office can also call on DAS for a more thorough investigation. In one case, a sergeant was convicted of kidnaping even though the victim was never seen again. In most cases, however, no information is developed. Under current legal rules, virtually the only useful evidence is eyewitness testimony, and knowledgeable officials say that most people are afraid to cooperate for fear of retribution.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law and is generally not practiced. In December the Council of State (an independent court of last appeal for administrative affairs, equal in rank to the Supreme Court), found the Government culpable in the torture and death of a guerrilla in 1986. It ordered the Government to pay an indemnity to the family of the victim. Most reported incidents of official torture result from initial interrogation by the police, even though victims are usually released shortly after being arrested because of strict rules of habeas corpus. In an effort to resolve such problems, the presidential Counselor for Human Rights, Alvaro Tirado, has begun a program to establish an official human rights office in each municipality. Such offices were established in Bogota and Cali in 1988. They are empowered to investigate allegations of abuse, order medical exams, and follow cases through the disciplinary and criminal systems. If the security forces are reluctant to cooperate, the municipal office has legal options and may turn to the presidential Counselor for help. The President has given his full support to this program. The Bogota office, which began operation in May, employs 5 lawyers. As of September it was receiving about 12 complaints a week.

d. Arbitrary Arrest, Detention, or Exile

There have been no allegations that the police or armed forces use arbitrary arrest or detention as a coercive measure. The constitutional right to a judicial determination of the legality of detention is respected. A person may be arrested if apprehended in the act of committing a crime or if an appropriate order of capture has been issued by the police or a judge. The police must place a detainee at the disposition of a judge within 24 hours, except when a statement is given by the suspect, in which case the judge must hold a

preliminary hearing within 48 hours. If the judge finds that there is enough evidence to pursue the case, he issues an order of detention under which bail is possible, or an order of preventive detention, under which the person is incarcerated until trial. The law stipulates a specific time within which a trial must be held or the person released and also provides for the granting of parole and probation after conviction.

There are no legal provisions for exile. Many people who have fled the country on their own after receiving death threats claim to be in exile.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is independent of the executive and legislative branches of government. The rights of public trial and due process are provided for in the Constitution. Accused persons have the right to representation by counsel; if they do not have an attorney, the court will appoint one. However, due to an overburdened judicial system, and a traditional reluctance to grant bail, most prisoners incarcerated for common crimes never come to trial but are simply released after serving the minimum sentence applicable to the crimes alleged. Only 25 percent of prison inmates have been convicted of crimes. When a case does come to trial, the judicial system is sometimes unable to conduct it impartially. Magistrates, judges, jurors, and attorneys have been threatened or killed because they were investigating or prosecuting narcotics traffickers or their associates. In September the Attorney General suspended the proceedings against the accused assassins of former Justice Minister Lara Bonilla just before the jury was to announce its verdict. He had information that the lives of the jurors had been threatened and stated that a fair verdict could not be guaranteed. The accused assassins have been linked to the Medellin cocaine cartel. In November the Government issued decrees to allow the Justice Minister to change the venue for dangerous cases and to eliminate jurors in terrorism cases. These modifications are awaiting review by the Supreme Court.

A special Tribunal of Public Order was created in January to try crimes involving noncombat violence by the guerrillas and the intimidating tactics of the narcotics traffickers. By the third quarter of 1988, the Tribunal had been organized and was hearing its first cases. Specialized narcotics judges established in 1987 were overwhelmed as a result of having to hear every case involving more than a gram of any drug. In August the new Justice Minister decreed that the narcotics judges would only hear those cases involving more than 2 kilograms of narcotics.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution requires a court order for authorities to enter a private home, except in the case of hot pursuit. While Colombian human rights organizations report widespread violations in the more remote areas, government forces generally respect the sanctity of the home and privacy in most parts of the country. Persons from rural areas frequently claim that they have been forced to leave their farms by

military counterinsurgency operations, guerrilla conscription and confiscation, and by armed thugs hired by local landowners.

Telephone taps and mail intercepts are allowed under Colombian law, but only under close judicial supervision. An agency wishing to employ such measures must apply in writing to the Attorney General and provide legal justification for the action. There have been no known abuses of this system in the past year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These constitutionally assured rights are respected, and the press often vigorously criticizes the Government and its leaders. The privately owned print media are under no governmental restraints and publish a wide variety of political views, including public calls for the President's resignation. Television channel frequencies are regulated by the State, which leases time to private companies and imposes some guidelines to ensure equal time for political candidates. Since 1987 all legally registered political parties have had access by law to national television. Leaders of various political groups are commonly interviewed on television.

The Government has attempted to impose some controls over media coverage of terrorist events, on the grounds that many of these are designed solely for publicity purposes. Journalists successfully fought a proposed law in Congress at the end of 1987 which would have required them to reveal their sources for stories on terrorism. In January President Barco decreed that, since the State owns the airwaves, it could regain control of those frequencies assigned to private users in times of war or national emergency. These provisions were put into effect during a nationwide general strike on October 27, when radio and television stations were prohibited from releasing any information about the strike which did not come from official sources. Severe penalties were promised for violators. The decree was canceled on October 28. No prosecutions were undertaken as a result of the one day the decree was in effect. The Supreme Court in December upheld the constitutionality of the law permitting the decree.

Following the May kidnaping of Conservative party leader Alvaro Gomez by the M-19 guerrillas and the public scandal caused by a subsequent television interview with one of the guerrilla leaders, all the major broadcast and print media signed a voluntary declaration promising not to publicize those terrorist actions designed primarily to gain publicity. As of the end of the year, however, many broadcasting companies were again airing interviews with guerrilla leaders.

The most serious threat to freedom of expression comes from the narcotics traffickers, who both threaten and kill politicians, journalists, and others who publicly support extradition or strong antinarcotics measures. Following the release of major trafficker Jorge Luis Ochoa on December 30, 1987, Attorney General Carlos Mauro Hoyos made a series of public statements criticizing the Government for not extraditing the trafficker; he suggested ways to make extradition feasible. On January 25, Hoyos was kidnaped and murdered by a trafficker organization.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly is respected. Public meetings and demonstrations are normally held without interference. Under the state of siege, prior permission is required for demonstrations and is usually granted, except when the Government believes there is a clear and imminent danger to public order. During 1988 no marches or demonstrations by major groups or parties were banned in the capital, Bogota, although some demonstrations were restricted in outlying towns and regions afflicted with guerrilla violence. A series of major marches organized by guerrilla groups in May were prevented from reaching departmental capitals by security forces because of a fear of violence. In one case, an army colonel was attempting to persuade marchers to turn back when he was killed by armed guerrillas in their midst. In the resulting firefight, 9 civilian marchers were killed.

Colombians have the constitutional right to form political parties, trade associations, unions, clubs, or groups of any type which do not advocate violence. Any organization is free to associate with international bodies in its field. This right is respected in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religion. According to official statistics, 217 different religious sects are registered in Colombia. Although the predominant position of the Catholic Church is established by a treaty between the Government and the Vatican, and the overwhelming majority of Colombians are Catholic, no legal discrimination exists against any religious group.

The Government permits evangelism among Indians as long as the Indians welcome the missionaries and are not induced to adapt changes that inhibit their survival on traditional lands. The Government requires all missionary groups (Catholic and non-Catholic) to keep it informed of their activities and expects them to respond to guidance. Most of the large number of missionaries in Colombia indicate that they have encountered no obstacles.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel domestically and to leave and return to Colombia. In traveling through areas where operations against rural guerrillas are under way, civilians require "safe conduct" passes from the military; guerrillas reportedly use a similar means to restrict travel in areas under their control. There are no restrictions on emigration. Colombians who have sought and been granted diplomatic asylum in foreign embassies have always been allowed to depart the country. Expatriates can, by law, repatriate. Colombia uses accepted United Nations standards to determine the status of refugee and asylum seekers and does not turn away those who qualify.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Colombia has a democratic system of government, and elections are conducted fairly and openly. Persons are enfranchised by the Constitution at age 18. Those convicted of certain crimes may be disenfranchised. Public employees are forbidden by law to participate in political campaigns but, with the exception of military personnel, may vote.

Colombian politics are dominated by two major parties, the Liberal and the Social Conservative, and each includes elements with widely divergent political views. All parties are free to raise funds, to field candidates, to hold public meetings, to have access to the media, and to publish their own newspapers. The UP, participating for the first time in national elections in 1986, and in local elections in 1988, had the best showing by a third party in recent history, gaining 3.1 percent of the total vote cast in city council elections in 1986, and less than 1 percent of the vote in the 1988 mayorial elections. Legislation which for the first time provided for the direct election of mayors beginning in March 1988 was signed into law by President Betancur on January 1, 1986. On March 13, Colombia held elections widely accepted as fair; 17 different parties fielded candidates in Bogota.

The law provides women equal political rights, and women currently serve as legislators, judges, governors of departments (states), political party leaders, government officials, and diplomats. Nevertheless, as in most of Latin America, Colombian women have a much harder time gaining positions of authority than do men. Social attitudes are changing slowly, however, and more women are now seen in executive and leadership positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Partly to counter the special AI report on Colombia in April, the Government actively sought out international human rights organizations in 1988, inviting them to Colombia to investigate conditions. Alvaro Tirado traveled to New York specifically to request that the U.N. Committee on Disappearances visit Colombia. The delegation visited in October. The Government cooperated with AI during its investigations earlier in the year. The Organization of American States (OAS), the Inter-Parliamentary Union, and the European Parliament have expressed support for the Government's efforts to improve the human rights situation.

The Permanent Committee for the Defense of Human Rights is the most active nongovernmental Colombian human rights organization. The Committee's statistics have been used extensively by international organizations such as AI, Americas Watch, and the Washington Office on Latin America. The Committee, universities, and other groups regularly sponsor conferences to analyze the violence in Colombia. Colombia is an active participant in international and regional human rights bodies, and was chosen as a member of the U.N. Human Rights Commission team which investigated human rights in Cuba in 1988. The office of the presidential Counselor for Human Rights sponsored a Human Rights Awareness Week in schools throughout the country in May. Students were encouraged to report any suspected abuses to either

governmental or nongovernmental bodies, international as well as national.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The law provides women equal civil and property rights. Women comprise just over 25 percent of the country's economically active population but are concentrated in low-income sectors. Their inferior economic situation is especially pronounced in rural areas. However, the historically higher unemployment rate for women has decreased in recent years. Women are legally entitled to remuneration equal to that of their male counterparts, a law generally respected more by the Government than private industry. As more women graduate from universities and participate in the work force, they are increasingly active at all levels of society. Women currently comprise 40 percent of the university population.

Colombian Indians legally enjoy all rights and privileges of full citizenship. However, Indian rights groups protest that they suffer a variety of abuses, and they are seeking to promote local improvements through community action, public education, and legal aid. The most common complaint is that Indians are forced off contested land by armed thugs hired by landowners. When the Indians retaliate, the landowners call on local police and military forces for protection. The presidential Counselor for Human Rights was active in 1988 to find ways to improve the protection of Indian rights. He has recently been successful in having legislation passed calling on the Government to designate or purchase additional land for collective Indian use.

Section 6 Workers Rights

a. The Right of Association

The right of workers to organize labor unions and strike is recognized specifically in the Constitution, although public service unions may not strike. Law 26 of 1976 affirms the autonomy of labor organizations to produce their own statutes and rules, to elect trade union officials, and to administer their own activities. Law 26 also prohibits the dissolution or suppression of trade unions by administrative fiat and allows the almost automatic granting of official status to labor organizations with the requisite number of members.

While the right to strike is guaranteed, the steps required before a legal strike may be called include direct negotiations, followed by conciliation, and only then may the problem advance to the stage of either a strike or arbitration by the Labor Ministry. Arbitration is compulsory in the public service sector and for official employees who legally do not have the right to strike. In the private sector the Minister of Labor may intervene in a dispute at the stage of conciliation and when it affects the national economy.

Almost half of the country's 1.2 million unionized workers belong to the Unitary Workers Central (CUT), formed in 1986. Although the CUT is not officially a member of the Soviet-controlled World Federation of Trade Unions (WFTU), it is heavily influenced by its pro-Moscow Communist component and has retained strong links to the international Communist labor movement. The remaining union members belong to three long-established confederations, two of which are affiliated with the International

Confederation of Free Trade Unions (ICFTU) and the third with the Christian Democratic World Confederation of Labor (WCL).

The International Labor Organization (ILO) Committee on Freedom of Association in its meeting in November extensively reviewed a number of previous cases and reached interim conclusions on five current complaints against Colombia relating to allegations concerning murder, disappearances, arrests and assaults, anti-union discrimination, and the Government's processing of requests for legal recognition of trade unions. The Committee took note of the ILO's August 31 to September 7, 1988, mission to Colombia, thanked the Government for its full cooperation, and expressed its deep concern at the dramatic situation of violence which impedes the full exercise of trade union activities. In addition, the Committee expressed shock at the very high number of murders and disappearances, noting its serious concern that over 200 trade union leaders and members, mostly linked to the CUT, were among the victims. It urged the Government to adopt vigorous measures to dismantle paramilitary groups which the report identified as the authors, along with hired assassins, of a majority of the murders of trade unionists; and requested the Government to strengthen the human and financial resources of the judiciary. The representative of the Government of Colombia termed the situation in his country as urgent, stated that the Government was doing everything possible to counter the violence, and expressed appreciation to the Committee for its recommendations. (See Section 1.a for a discussion of violence directed against unions.)

b. The Right to Organize and Bargain Collectively

The right of workers to organize labor unions and to engage in collective bargaining enjoys constitutional protection. At the present time, unions have been successful in organizing only the largest firms and the public services, which include about 12 percent of Colombia's economically active population.

In the private sector, workers have the right to bargain collectively; however, because of high unemployment, they have limited bargaining power. Use of strikebreakers is prohibited by law, and generous severance benefits tend to discourage management from firing union militants. However, this provision, like other provisions of labor law, are effectively ignored by small and medium-size enterprises.

Colombian labor law is applied uniformly throughout the country, including in its small export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is legally prohibited, and the prohibition is respected in practice.

d. Minimum Age for Employment of Children

The law prohibits the employment of children in most jobs before the age of 14, particularly where such employment might interfere with schooling. This provision is respected in larger enterprises and major cities. However, the extensive informal economy is effectively outside government control. Approximately 2.5 million children under 15 work in the informal sector for low pay under poor conditions with little protection from the labor code.

COLOMBIA

e. Acceptable Conditions of Work

The Government annually sets a national minimum wage which serves as an important benchmark for wage bargaining. The minimum wage (about $100.00 per month as of December 1988) is barely sufficient to maintain an acceptable standard of living. However, despite an inflation rate running close to 24 percent, purchasing power only grew 2.3 percent in 1988. One report noted that 60 percent of the work force is paid the minimum wage or less.

The labor code regulates the hours of labor and other work conditions. While the 8-hour day is standard in larger companies, the workweek for most Colombians generally exceeds 40 hours. A standard week of five 8-hour days remains an important long-term goal of Colombian trade unions.

Workers' occupational safety and health are extensively regulated, including use of protective clothing and ventilation, first aid and fire fighting equipment at the job site, sanitary facilities and potable water, and compensation for injuries. These regulations apply to the larger agricultural enterprises as well as industry and mining. However, exemptions for small companies, the frequent use of workers as subcontractors rather than employees, and general enforcement difficulties leave large numbers of workers outside the protection of the law. The Government is endeavoring to improve regulatory enforcement and improved work conditions are a priority goal of trade unions. Violations appear to be more frequent among the newer, smaller industries. Between 1982 and 1985, Labor Ministry inspection visits to 12,452 companies established that only 8.4 percent of them observed all the labor-related legal regulations, while 91.2 percent of the companies violated an average of four labor regulations each. More than half of all the violators were concentrated in the commerce, restaurant, and hotel industries, while almost one fourth were in the manufacturing sector. Labor regulations most frequently violated by management were mandatory affiliation of workers to the Social Security Institute, observance of minimum salary levels, timely payment of salaries, and maintenance of hygienic and occupational safety conditions.

COSTA RICA

Costa Rica is a functioning democracy whose governing authorities are chosen by popular vote. Democratic government has a 100-year tradition in Costa Rica. The Constitution provides for a government of separate executive, legislative, and judicial branches. Free and fair elections for president and 57 deputies to the Legislative Assembly are held every 4 years. Oscar Arias was elected President in February 1986; approximately 80 percent of all eligible voters participated. Under the Constitution, the president is barred for life from reelection. Members of the Legislative Assembly may be reelected but only after at least one term out of office.

The 1949 Constitution abolished Costa Rica's standing army. The country's small security forces are subject to strict civilian control. Police and national security functions are shared by the Civil Guard of the Ministry of Public Security and the Rural Guard of the Ministry of Government. The Judicial Police, charged with investigating crimes, report directly to the Supreme Court. These public security organizations observe the procedural safeguards established by the law and Constitution.

Costa Rica has a mixed economy with significant agricultural and light industrial sectors. The right to hold private property is provided for by the Constitution, and private enterprise accounts for 70 percent of the gross national product. The modest economic growth of recent years continued during 1988, although underemployment and inflation remained worrisome problems.

The Arias administration continued to demonstrate a strong commitment to the long-standing Costa Rican tradition of respect for human rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The Government does not practice, abet, or condone political killing, and none was reported.

b. Disappearance

There were no known or reported incidents of politically motivated abductions or secret arrests.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits cruel or degrading treatment and holds invalid any statement obtained through violence. These prohibitions are respected in practice. Prisoners generally receive humane treatment in Costa Rica. The press occasionally reported alleged incidents of police mistreatment of prisoners. After conducting an investigation into these charges, authorities dismissed four officers for abuse of authority. A procedure has been established to discipline police found guilty of similar infractions in the future. There appear to have been no trials or convictions in such cases.

d. Arbitrary Arrest, Detention, or Exile

Warrants are required for arrests, and the Constitution requires that an arraignment take place within 24 hours of arrest. Persons detained are entitled to a judicial determination of the legality of the detention. However, there are occasional press reports of prisoners who did not receive prompt judicial resolution of their cases, and who remained in detention for long periods before being brought to trial. Preventive detention is not practiced.

The Constitution bars exile as punishment. The judiciary is generally effective in ensuring that legal and constitutional safeguards are observed.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is widely recognized as independent and fair. Accused persons may select their own attorneys; access to counsel is guaranteed and honored in practice. The State provides legal counsel for those who cannot afford to engage an attorney. The right to bail is provided for in law and observed in practice; however, bail is sometimes denied to repeat offenders and is usually denied to foreigners on the assumption that they will leave the country before coming to trial. Pretrial detention for major offenses, such as narcotics trafficking, can last for a period of months. Prisoners may be routinely held incommunicado after arrest for 48 hours and for up to 10 days with the authorization of judicial authorities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reported instances during 1988 of extralegal invasions of privacy conducted by, or with the knowledge of, the Government. Warrants are required to search private homes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution specifically provides for freedom of speech and press. These freedoms are fully respected in practice. Six private newspapers (including two Communist weeklies), four private television stations, and several radio stations pursue independent editorial policies. The media freely criticize the Government, and there is no evidence of self-censorship or intimidation.

Foreign journalists challenged a law requiring accreditation by the government-sponsored Costa Rican National Journalists Association. The Organization of American States' Inter-American Court of Human Rights declared in 1985 that the law is incompatible with the freedom of information provisions of the Inter-American Human Rights Convention. As a consequence, the Costa Rican "National Reconciliation Commission," established pursuant to the 1987 Esquipulas II regional peace agreement, concluded in July 1988 that Costa Rica was obliged under the Inter-American Human Rights Convention to modify existing press legislation. Subsequently, the Minister of Information recommended formally that the Government remedy this perceived restriction of

freedom of the press, and the Minister of Justice formed a commission to consider the issue. However, in October 1988 President Arias came out in favor of the journalists' licensing law in a speech to the Costa Rican National Journalists Association.

b. Freedom of Peaceful Assembly and Association

Constitutional provisions of freedom of assembly and association are fully respected in practice. Permits are not required for public meetings. Authorization is needed only for parades or similar large-scale gatherings.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution and observed in practice. While Roman Catholicism is the official state religion, Costa Ricans affiliated with a wide range of religious groups participate without prejudice in the social and political life of the nation. There is no legal bar to a non-Catholic being elected President of Costa Rica. The Constitution stipulates that the president must be a layman. There are no restrictions on religious activity, and foreign missionaries and clergy of all denominations work and proselytize freely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on travel within the country or abroad, and both citizens and foreigners are free to live anywhere within the national boundaries. Neither emigration nor a citizen's right of return are restricted. Costa Rica supports multinational refugee programs and has accepted many refugees from Central and South America, although the continuing influx of Nicaraguan refugees has provoked government expressions of concern over strains on the economy and social fabric. The Constitution specifically prohibits the Government from repatriating any foreigner who may be subject to political persecution in his own country, and political asylum traditionally has been granted to exiled dissidents of various political orientations.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Costa Rica is a democracy in which citizens are free to choose their government through free, open, and competitive elections. The integrity of elections is ensured by the independent Supreme Electoral Tribunal, and election results are respected. The Legislative Assembly can and does reject executive branch initiatives. Citizens can and do petition their elected representatives for legislative redress and assistance with government bureaucracies. Women participate freely in Costa Rican elections and hold several seats in the Legislative Assembly. The nation's second Vice-President is a woman.

The ruling National Liberation Party (PLN) and the opposition Social Christian Unity Party (PUSC) control 29 and 25 seats respectively in the Legislative Assembly. Two rival Communist

parties, which freely participate in the political process, each hold one seat.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Costa Rica has traditionally been a strong supporter of international and private human rights organizations. The Inter-American Institute of Human Rights maintains its headquarters in San Jose. The Government has invited the Inter-American Human Rights Commission to visit the country whenever it wishes.

During its January 1988 visit to Costa Rica, the International Verification Commission (CIVS) assigned to monitor compliance with the Esquipulas II agreement heard testimony from the two local Communist parties alleging that the electoral system is weighted against them and that there have been instances of arbitrary arrests, torture, and disappearances. In its final report, the CIVS rejected these accusations as unfounded.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Costa Rica's population includes some 25,000 Indians, most of whom live in traditional communities on 19 reserves which, because of their remote location, often lack access to schools, health care, electricity, and potable water. The Government is attempting to improve the quality of basic services in the Indian communities. Indians participate in the management of their own affairs through the National Indian Commission. Nevertheless, some Indian leaders urge the Government to devote more resources to improving the welfare of the indigenous population.

The role of women, although still primarily domestic, is legally unrestricted. Although women and men generally are paid equally for equal work, women generally occupy lower-paying jobs. Women are represented in all professions, in the ranks of organized labor, in the private business sector, and in the Government. Nonetheless, there have been frequent complaints from feminist leaders and others of social, occupational, and other forms of bias against women. A law designed to supplement existing antisex discrimination legislation was introduced in the Legislative Assembly in August 1988.

Costa Rica's population of 30,000 blacks, who reside largely on the Caribbean coast, enjoys full rights of citizenship as well as other rights and protections, including laws against all forms of racial discrimination. However, prejudice toward blacks and Indians still exists in some elements of the population.

Section 6 Worker Rights

a. The Right of Association

The right of organized labor to associate, as defined by the International Labor Organization, is fully honored. Unions are independent of government control and are free to maintain relations with recognized international bodies such as the International Confederation of Free Trade Unions (ICFTU).

COSTA RICA

There is an active Solidarismo movement in the country. The AFL-CIO, the ICFTU and other trade union organizations contend that solidarismo is an employer inspired and dominated alternative to independent trade unions. Leaders of the Solidarismo movement claim that it is a legitimate form of employee organization, and that Solidarismo organizations and their officials are prohibited by law from engaging in antitrade union activities.

When labor disputes arise within the San Jose metropolitan area, the presiding judge of the Labor Tribunal attempts to find a settlement that is satisfactory to both labor and management. Labor inspectors handle disputes that occur outside the capital. If conciliation fails, the case is referred to a labor court which must provide legal sanction for a planned strike or lockout. Unions have complained that this process is complicated, time-consuming, and often fruitless. Public sector strikes are illegal.

Strikes and labor unrest were at low levels in 1988, although in June agricultural workers and farmers blocked several highways to protest their precarious financial situation and specifically to demand government subsidies and easier credit. The protesters dispersed peacefully, after several days of demonstrating, following a personal appeal by First Lady Margarita Penon de Arias. The Government has engaged in protracted negotiations with the farmers' union to resolve these problems.

b. The Right to Organize and Bargain Collectively

Procedures for collective bargaining and arbitration of labor disputes are prescribed in law and followed in practice. Union organization is not discouraged or impeded in particular areas, such as export processing zones. The country's labor code states that when one-third of the workers in an operation are union members, the employer must conclude a collective agreement, if requested. The code also permits employees to set up permanent grievance committees to handle both individual and collective disputes.

In spite of guarantees in the labor code, many labor leaders claim that the statute--which dates from 1943--is outdated and unjust. They cite in particular a clause which permits employers to fire workers for "any other grave fault" not specified elsewhere in the code as a mechanism used by management to fire would-be labor organizers. A new draft labor code, initiated by the Government, is currently being studied by unions and other interested groups.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits, and there are no known instances of forced or compulsory labor.

d. Minimum Age for Employment of Children

The Constitution provides for special employment protection for women and minors and establishes the minimum working age at 12 years, with special regulations in force for workers under 15. The government child welfare agency, in cooperation with the Labor Ministry, is responsible for the enforcement of these provisions.

e. Acceptable Conditions of Work

The Constitution defines the normal hours of the workday, remuneration of overtime, days of rest, and annual vacation rights. It specifies compensation for discharge without due cause and the right to a minimum wage.

A National Wage Board, composed of three members each from government, management, and labor, sets minimum wages and salaries for all sectors. While violations sometimes occur, these regulations are generally respected. The minimum wage ranges from $91 to $300 per month, depending on occupational field. Workers at the low end of this wage scale often find it difficult to maintain a minimum standard of living.

Normal work hours are set at 8 hours for daytime and 6 hours for nighttime work, with weekly totals of 48 and 36 hours respectively. Ten-hour days are permitted for work not considered unhealthful or dangerous, but weekly totals may not exceed 48 hours. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work performed in excess of the daily work shift. Agricultural workers are not paid overtime if they voluntarily work beyond their normal hours.

A 1967 law governs health and safety at the workplace. This law requires that industrial, agricultural, and commercial firms with 10 or more workers must establish a joint safety committee. The law allows the Government to inspect workplaces and to fine employers for violations. However, the Government's ability to ensure that minimum conditions of safety and sanitation are maintained is limited by too few labor inspectors, especially outside of San Jose.

CUBA

Cuba is a Communist state dominated by Fidel Castro, who is Chief of State, head of government, leader of the Communist Party, and Commander in Chief of the Armed Forces. With support from a few long-time associates, President Castro exercises control over nearly all aspects of Cuban life through a network of directorates ultimately responsible to him through the Communist Party. The party is the only legal political entity and is headed by a self-perpetuating elite. All government positions, including judicial offices, are controlled by the party. Elections are held only to endorse party-approved candidates. Though not a formal requirement, party membership is a de facto prerequisite for high-level official positions and professional advancement in most areas.

The Constitution states that civil liberties may not be exercised "contrary to the decision of the Cuban people to build socialism and communism" (Article 61). In practice, the top leadership determines the degree to which civil liberties are exercised and defines what is "against the revolution." The Ministry of Interior ensures political and social conformity, as well as internal security. It operates border and police forces, orchestrates public demonstrations, determines the legality of associations, investigates evidence of nonconformity, regulates migration, and maintains pervasive vigilance through a series of mass organizations and informers. The mass organizations attempt to extend Cuban government and Communist Party control over each citizen's daily activities at home, work, and school. Citizens are exhorted to ensure ideological conformity and to report deviation.

The Cuban economy is highly centralized and managed by a group of advisors close to President Castro. The Government controls the means of production and is virtually the country's sole employer. In the late 1970's, Cuba began to use market mechanisms, but in 1986 the Government reversed course, began the "rectification of errors" campaign, and sought to stamp out an emerging informal private sector, while promoting antimaterialist "Socialist morality." The abandonment of the liberalization program in favor of more orthodox Communist policies has played a major role in the Cuban economy's recent downswing from stagnation to the 3.5 percent negative growth experienced in 1987.

Cuba has made some gains on the social front since Fidel Castro seized power on January 1, 1959, particularly in health care, education, and more equitable income distribution. Progress has been made in literacy, but education remains heavily laden with political indoctrination. Political and military elites live comfortably, while many perceived opponents of the Government and party are denied suitable employment and education. The vast majority of Cubans must cope with severe scarcities of housing, food, and consumer goods. Even some Cuban leaders have acknowledged that inefficiency and worker apathy are major problems in the state sector, where the incentive to produce is small.

In 1988 the human rights situation was characterized by continuing repression tempered by limited improvements in selected areas. In the face of international scrutiny, the Cuban Government sought to improve its human rights image by permitting internationally recognized human rights groups to visit the island, releasing many long-term political prisoners and allowing them to emigrate, showing limited tolerance for

unofficial and unrecognized domestic human rights groups, implementing some improvements in prison conditions, and granting concessions to the Catholic Church. The Government approved a revision of the Penal Code which introduced some improvements, such as the decriminalization of many petty crimes, but had little effect on political offenses. The new code retains jail sentences as punishment for illegal exit from the country, "enemy propaganda," and "dangerousness," a vague concept of crimes against Socialist norms.

These steps, however, have not altered in any basic manner the fundamentally repressive nature of the Cuban system. Many are easily reversible, one-time actions that do not constitute permanent recognition of the need to protect basic rights or bring about structural reform. Serious human rights violations continue across a wide spectrum of activity. Arrests and detentions for political crimes persist. There is no independent judiciary, due process safeguards can be constitutionally circumvented, and defense attorneys face severe disadvantages under the present judicial system.

Cubans still do not possess equal protection before the law, the right freely to choose government representatives, freedom of expression, freedom of peaceful assembly and association, or freedom to travel to and from Cuba. All media are government owned and remain under tight control, and the practice of religion continues to be discouraged. Government efforts to monopolize control over many aspects of life remain very intrusive. Aside from the recognized churches, which are themselves monitored by the party, there is little institutional autonomy in Cuban society.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports that the Government practiced summary execution of its opponents during 1988. The death in 1987 of political prisoner Eugenio Gonzalez Alvizar while in police custody and the death of human rights activist Antonio Frias Sosa in 1986 have never been fully investigated or resolved.

b. Disappearance

There were no reports of politically motivated disappearances occurring during 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no substantiated allegations of the use of systematic physical torture during 1988. Reliable reports of abuse and mistreatment of prisoners and detainees, especially those accused of political offenses, continued. Released prisoners described beatings by prison officials, inadequate diet, denial of appropriate medical care, withholding of access to fresh air and exercise, denials of family visits and mail, and extended periods of solitary confinement or incarceration in unlit punishment cells. Cuban authorities made some improvements in prison conditions in 1988, many of them just prior to visits by international human rights groups.

CUBA

Harsh punishment cells, although somewhat improved in 1988, continue to exist in violation of international norms for prison conditions. Officials of Amnesty International (AI) and the Association of the Bar of the City of New York, who visited Cuban prisons in 1988, severely criticized inhumane conditions in the so-called punishment cells of several prisons. The New York delegation visited one wing of punishment cells in the Combinado del Este prison's infamous "rectangle of death," and its report describes dark cells about 4 feet wide and 9 or 10 feet long with doors of metal bars partially covered by sheet metal to keep out light. The same report estimates that, based on information provided by former prisoners, there are 99 punishment cells in Combinado del Este alone. AI reported that former Interior Ministry security officer Rolando Martinez Valdes, convicted of crimes against state security in 1983, had been kept in a special isolation punishment cell at Combinado del Este supposedly because he possessed important security information.

Eyewitnesses have stated that 44 of the "plantados historicos" (long-term political prisoners who have refused "reeducation") discovered and removed microphones hidden in the walls of their cells at Combinado del Este prison in May. Prison guards intervened with force, and several prisoners were allegedly beaten to obtain surrender of the microphones. Two prisoners reportedly were hospitalized as a result. A hunger strike initiated to protest these measures reportedly resulted in further beatings and confinement in punishment cells.

The March 1988 report of the U.S.-based Institute for Policy Studies (IPS) noted that, in its recent prisoner interviews, there were frequent complaints that those who did not strictly conform to the prison regimen were beaten by guards with rubber hoses or fists. According to IPS, one such prisoner was allegedly kicked to death in 1987; the guards implicated are facing charges. There is no information available regarding the disposition of this case. Prison officials questioned by visiting human rights groups have been unable to cite other instances in which guards or prison officials were disciplined for prisoner mistreatment. The controlled Cuban press has never reported any such charges or any case of a guard being punished.

After his release in May 1988, Alberto Fibla Gonzalez, a medical doctor imprisoned for over 26 years, denounced in detail the grossly inadequate medical care provided to 68 fellow political prisoners in the past. Their illnesses include allergies, hearing disorders, hypertension, vision loss, gastric disorders, ulcers, heart disease, and diabetes. Dr. Fibla attributed most of the illnesses to long periods of confinement in unhealthy conditions, malnutrition, mental and physical stress, and in some instances physical abuse.

Prison visitation rights continue to be habitually suspended. Family members and friends are given only limited access to prisoners. In the case of political prisoners, family visits to the "plantados historicos" were reportedly suspended for several months after the microphone search incident in May.

General prison conditions have improved over the past 12 to 18 months at Combinado del Este and several other prisons. Prisons were cleaned, cell blocks painted, cell conditions were upgraded, and visitor areas refurbished. Several prisoners pointed to better food service, improved medical care, and a halt to beatings, but they questioned whether

these changes would be lasting. Political reeducation courses are no longer mandatory. Nonattendance at such courses no longer results in punishment and, therefore, time in punishment cells has been reduced. The report of the New York City Bar Association delegation states that its visiting team was told by prisoners that the removal of sheet metal from the doors of some punishment cells in Combinado del Este prison coincided with visits by foreign delegations.

d. Arbitrary Arrest, Detention, or Exile

Article 245 of the Law of Penal Procedure requires police to file formal charges and either to release the detainee or to place him at the disposition of the prosecutor within 96 hours. Article 467 of the Law of Penal Procedure provides that persons held without charges beyond the period proscribed by law must be released upon petition to the court. However, arbitrary arrests and detentions, most notably in cases involving political offenses, occur despite these legal provisions for due process. Article 61 of the Constitution permits denial of all recognized civil liberties in the case of anyone actively opposing "the decision of the Cuban people to build socialism." This article has often been invoked to justify lengthy detention of dissidents.

Authorities may detain a person for 10 days before granting the suspect the right to a defense attorney. For serious offenses, including those against state security, bail is not permitted, and the investigatory phase may be extended up to 6 months by the prosecutor. During this investigative period, there is no requirement for the prisoner to be informed of the specific charges against him; he also may lack any legal assistance.

The new Penal Code, which went into effect in April, reduced prison sentences for many crimes and decriminalized over 90 offenses. Prisoners benefited from a retroactive provision, and more than 8,000 criminal offenders were released in the first half of 1988. In January the Cuban Government released an estimate of the prison population of 32,000.

The new Code left virtually unchanged the catalog of political offenses, and it did not alter the earlier broad authorization for preventive detention for "dangerousness" (see Section 1.e.). This provision is apparently rarely used, but by many accounts the threat of its imposition hangs over potential opponents of the regime and restrains the average citizen from associations with known dissidents and "capitalist" foreigners.

There are numerous credible reports of persons ultimately charged with political offenses who, in direct violation of Cuban law, were detained incommunicado for prolonged periods without being either charged, or informed of the nature of the accusations against them, or brought before judicial hearings. While the Law of Penal Procedure theoretically provides a safeguard against unlawful detention, habeas corpus has found little use in Cuba. No detainee is known to have petitioned successfully for such release.

Precise numbers of political prisoners in Cuban jails are difficult to determine because of differences in defining who is a political prisoner, the Government's secrecy about the prison population, and the effect of recent prisoner releases. Estimates range from AI's 1988 report (covering 1987) figure of some 300 to 400 to the Cuban Human Rights Committee's claim

of "thousands." Government figures released in March claimed 455 prisoners out of a total prison population of 32,000 were detained for crimes against state security, a category which does not encompass convictions for illegal exit, contempt, or offenses related to the practice of religion. Conscientious objectors to the draft are subject to imprisonment, but the Government has not disclosed the number of such prisoners, nor has it so far permitted visits to military prisons.

In 1988 the Government released approximately 250 political prisoners, in effect acting favorably on the 1987 petition of the U.S. Catholic Conference and a 1988 request to President Castro by Cardinal John O'Connor, the Archbishop of New York, to free specific political prisoners. Among the released political prisoners were 65 "plantados historicos." Approximately 900 present and former political prisoners and their accompanying families were allowed to emigrate to the United States in 1988.

The Government released a number of political prisoners on the condition that they immediately emigrate to the United States. In 1988 more than 50 political prisoners, including several "plantados historicos," were delivered directly from Combinado del Este prison to the airport for immediate departure to Miami. Many observers considered this to be, in effect, forced exile.

All but four of the "plantados historicos" were released in 1988. At the end of December, the Government announced it would let the remaining four "plantados historicos" go. Former political prisoners report that over 25 "new plantados," who refuse to accept the prison regime have in effect replaced the "plantados historicos" and are being held in Combinado del Este.

Released political prisoners have provided examples of Cuban authorities' extension of sentences without any trial or due process. One such case is that of Juan Martinez Otano, who was sentenced to 10 years in 1972. He was released in 1987, after a total of 15 year's imprisonment, with 8 months off "for good behavior," according to his release letter. There were no additional specified charges or any evidence of a new trial to account for the extra 5 years' imprisonment.

In its September visit to Cuba, the United Nations Human Rights Commission (UNHRC) Cuba Working Group interviewed 89 of over 1,500 private citizens who had sought to file complaints about human rights abuses. Cuban authorities assured the UNHRC Chairman, Ambassador Alioune Sene of Senegal, that there would be no reprisals against persons who testified before the Working Group. There are now multiple reports that some human rights activists who presented testimony to the Working Group have been harassed and detained by Cuban authorities subsequent to the Group's visit. On September 20, a group of 40 to 50 persons peacefully demonstrated in front of the Working Group's hotel. The crowd was dispersed by police, and 10 persons were reportedly detained. Among the detained was Gustavo Venta who was later sentenced to 6 months in prison for public disorder. Pablo Pupo Sanchez and Juan Garcia Cruz, leaders of the recently formed Free Art Association (APAL) who testified before the Cuba Working Group, were detained by Cuban authorities at a private APAL meeting in October. During a peaceful demonstration in October, six other APAL members were arrested and sentenced to from 6-month to 1-year prison terms

for "provocative" activity. Tania Diaz Castro, Secretary General of the officially unrecognized Cuban Human Rights Party, was involved in an altercation with prison guards on November 29 during a visit to a prisoner at Combinado del Este Prison. She was reportedly beaten, and was sentenced hours later to 1 year in prison on charges of disturbing the peace. Diaz had presented testimony to the Cuba Working Group in September.

The revised Penal Code retains internal exile as a sanction against convicted offenders, but no instances of forced removal or resettlement were reported in 1988. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Cuban law and trial practices do not meet international standards for fair and impartial public trials. The Constitution terms the courts independent, yet it explicitly subordinates them to the National Assembly and the Council of State (Article 122). Judges are elected by the National Assembly and its lower-level counterparts. The independence of the judiciary is compromised by the de facto subordination of the courts to the Communist Party: there is no known case in which a Cuban court has successfully ruled against the Government on any political or security matter.

Civil courts exist at three levels--municipal, provincial, and the Supreme Court. All civil courts are presided over by panels composed of a mixture of professionally prepared judges and lay judges. There is also a system of military tribunals which tries certain counterrevolutionary activity cases.

Cuban law guarantees an accused the right to a defense attorney, whose impartiality and independence are compromised by the absence of a private bar association and by ideological controls exerted over members of the state-controlled lawyers' collectives, especially in defending persons accused of crimes against state security. When the legal collectives were reorganized in 1984, some 15 percent of then-active attorneys, including many active in political cases, were denied readmission and thus effectively disbarred. The Association of the Bar of the City of New York reviewed the 1987 disbarment of Dr. Pablo Llabre Raurell, a zealous defender of the politically accused, and found the action appears to have been in part retaliation for his vigorous defense in a sensitive case. Llabre has been denied any work of a professional nature since his disbarment.

In practice, government-appointed defense attorneys are poorly prepared and unsympathetic towards the defendant. In 1988 the visiting New York Bar Association delegation observed Cuban trials for common crimes and found the counsels ill-prepared and unaggressive. Former political prisoners have asserted that some clients saw their counsel for only 1 hour before trial, and others were unable to meet with counsel at all before the trial commenced. Attorneys themselves have been imprisoned for defending persons charged with political offenses. Attorney Domingo Jorge Delgado was released in May after serving an 8-year jail sentence subsequent to his defense of a group of asylum seekers. In some cases former political prisoners alleged that the state security officials, not the courts, were the ones who really decided the fate of the detainee, and who were putting pressure on others involved in the judicial process.

CUBA

Defendants have a general right of appeal at the municipal level and a conditional right at the provincial level. Cases involving the maximum prison term or the death penalty are always open to appeal. The Law of Penal Procedure provides that an appeal must be presented within 5 days.

Rules of evidence do not meet generally recognized international standards. A trial for political offenses ordinarily consists of evidence given by the prosecution's witnesses, who are generally employees of state security organs. In some cases, the only evidence is the defendant's confession, obtained without due process safeguards against self-incrimination or coercion. There are usually no defense witnesses, although testimony on behalf of the defendant from a member of a Committee for the Defense of the Revolution (see Section 1.f.) may be introduced and may contribute to a reduced sentence.

The revised Penal Code (Law No. 62) implemented in April reduced the number of capital offenses and the length of sentences in some cases. The new Code does not, however, significantly modify the previous definition of political offenses, the punishment meted out for political offenses, or due process provisions for accused political offenders. Under provisions of the revised Code: defense lawyers may be excluded until an investigation is completed for reasons of state security (Article 249); illegal departure from Cuba remains punishable by 3 years' imprisonment or a fine of up to approximately $1,300 (Article 216); the prohibition of unregistered associations remains (Article 208); "enemy propaganda" is still defined vaguely as "written, oral, or any other form" of propaganda that incites against "social order, international solidarity, or the Socialist state," and is punishable by a sentence of up to 8 years (Article 103); clandestine printing is illegal and is punishable by a prison term of from 3 months to 1 year (Article 210); unregistered associations remain prohibited (Article 203); and contempt, which includes slander or insults, orally or in writing, against the dignity of an authority or public official, carries a sentence of between 3 months' and 1 year's imprisonment. If the abuse is directed against top government officials, the sanction is from 1 to 3 years' imprisonment. The concept of "dangerousness" remains intact (Articles 72-89) and is vaguely defined as "the special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of Socialist norms." If the police determine a person is exhibiting such behavior, the offender can be brought before a court which may apply police surveillance, reeducation, or therapy lasting for from 1 to 4 years. Antiregime grafitti can be punished under the contempt provision (Article 144).

The new Penal Code has had little tempering effect on crimes involving political offenses. In 1988 Joaquin Jemenez Bartelemi was sentenced to 6 months for operating a clandestine printing press. The contempt law, which is categorized as an offense against administration and jurisdiction rather than state security, is reportedly used against those caught writing or shouting antigovernment slogans.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Official intrusion into private and family affairs remains one of the most repressive and pervasive features of Cuban life. The Cuban Government/Communist Party-directed mass organizations permeate Cuban society. The State has assumed a virtual right of interference and control, even for those who do not actively oppose the Government and its practices.

The extensive apparatus of the Ministry of the Interior operates intelligence and police forces, decides on the legality of all private and public associations, and utilizes an intricate system of informers, block wardens, and block committees (Committees for the Defense of the Revolution, CDR) to monitor and control public opinion. Police searches are often carried out without warrants, as occurred in the homes of several human rights activists and dissident artists in 1988. Telephones are routinely tapped and mail searched.

The authorities possess a wide range of social controls. One example is the use of the Cuban educational system to teach that the State's interests have precedence over all other ties and commitments. Teachers, selected in part for their ideological commitment, espouse Communist Party doctrine and can take sanctions against students whose families question orthodox opinion. Teachers also assess the political and ideological character of their students.

CDR's are neighborhood surveillance/security committees tasked with closely monitoring the daily lives of individual residents from an early age in each neighborhood. Membership and participation in the 80,000 CDR's are essentially involuntary in urban areas. The Government announced the elimination of one CDR report on the beliefs of citizens in 1988, but it is doubtful that this change significantly alters the role of the CDR's as guardians of ideological conformity. CDR's apparently continue to report suspicious activities, such as contact with foreigners, reception of foreign broadcasting in the home, conspicuous consumption, unauthorized meetings, and criticism of the Government. In 1988 a government-produced form used to record critical comments in overheard conversations was publicized by human rights activists.

Former political prisoners are subjected to discriminatory treatment. A mark on their identity documents (a triangle with the letters "CIRP"), identifying them as former political prisoners, makes it difficult for them to obtain employment, housing, and ration cards. Former prisoners are often relegated to menial, intermittently available work, no matter what their education or experience. Their children are reportedly harassed in schools and often barred from higher or even technical education.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Cuban authorities continue to place very extensive checks and controls on freedom of expression. No direct criticism of the basic policies and Marxist-Leninist orientation of the Government, party, or leadership is allowed. No public forums exist for airing one's views apart from the government-controlled media. Laws are enforced against antigovernment "propaganda," antigovernment grafitti, and slander and insults

against government officials. Local CDR's monitor and report on expressions of dissent or criticism.

In 1988 there were signs of a modest increase in official tolerance of free expression. A few persons without official approval published newsletters or distributed press releases on human rights to the foreign and diplomatic community. A small "Eco-Pacifist Movement" distributed peace literature. Writers and artists were, with caveats, informally encouraged to be more experimental; some produced more risque theater works. But the Government has taken steps to discourage foreign visitors, such as U.S. Congressmen, from meeting with dissidents by refusing or threatening to cancel meetings with Government officials if the visitor has met with a dissident.

Over 1,500 persons, some of whom represented domestic human rights groups, were allowed to seek to testify before the UNHRC Cuba Working Group during its visit in September. However, some persons reportedly were discouraged or prevented from testifying by the authorities, and the police presence near the Cuba Working Group's hotel tended to intimidate those who wished to testify.

There is no free press in Cuba. The electronic and print media are owned by the State or party-controlled organizations and operate according to party guidelines. Clandestine publishing is against the law. Officially, nothing can be printed or said that harms the revolution--a dictate which the Government applies forcefully and frequently to guarantee its monopoly on information.

The Communist Party furnishes strict guidelines to the media through established channels. The media does not comment or report on important matters not previously vetted through the party. The party's Central Committee provides guidance describing the year's political objectives to television and radio directors; the guidance for 1988 contained 43 objectives listing current sociopolitical, economic, and cultural issues of foremost ideological concern to the party.

Periodicals from non-Communist countries are not available to the general public, and foreign broadcasts, apart from the U.S. Radio Marti, are not heard by significant numbers of people. Listening to Radio Marti, while not a crime, may result in serious informal sanctions and pressures from neighborhood CDR's. Even some publications from Communist countries are limited in circulation when the Government finds offense in their content.

Artistic and literary freedom are also under government control. Party and state officials assure that Cuban art and literature do not, by implication or otherwise, criticize the state leaders. Pedro Luis Ferrer, a popular singer, was banned from performing in 1988 after making remarks favoring internal reforms in Cuba while on a tour abroad. His records were forbidden to be sold or played on the radio. The folk-duo Sindo and Maria Elena were chastised and prohibited from performing on radio or television for app'ying to leave the country.

Academic freedom is severely limited. Education is the exclusive prerogative of the State, and the school system follows Marxist-Leninist precepts as interpreted by government guidelines. Academics can write freely only so long as their

work does not conflict with any policy or view of the Government or party.

b. Freedom of Peaceful Assembly and Association

The Constitution does not provide for freedom of assembly or association. Apart from recognized churches, which are regulated by the Communist Party, and the small, unrecognized human rights groups which operate without legal sanction, there are no significant Cuban associations with autonomy from the State and party.

The Ministry of Interior determines the legality of all organizations. There are legal mechanisms available for citizens to petition in order to organize new associations, but the Government has refused to recognize any such application from a private group for the past 30 years. Both the Cuban Human Rights Committee and the Cuban Committee for Human Rights and National Reconciliation have filed applications for recognition without success.

There is no known instance in which approval was given to any nonchurch group outside of party-run mass organizations to hold a public meeting in 1988. Gatherings of more than a few people in a home are punishable by up to 3 months in prison. Organizers of "illicit or unrecognized groups" can receive a sentence of up to 9 months (Article 240 of the Penal Code).

Membership in government or party-controlled associations, such as the CDR's, the Confederation of Cuban Workers, the Federation of Cuban Women, and the Union of Communist Youth, is expected; various social and economic benefits accrue to those having a good record of activity in mass organizations, while nonmembers live on the margins of social life.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government places restrictions on practicing religion and discriminates against religious believers, despite the Constitution's recognition of the rights of citizens to profess and practice any religious belief (Article 54). Religious believers are implicitly excluded from membership in the Communist Party and thus from almost all executive and leadership positions, including, for example, posts in the Government, courts, and the teaching profession. Religious practitioners also face informal discrimination in the workplace, in seeking housing, and in admission to higher education. In the 1985 book, "Fidel and Religion," and at the 1986 Third Congress of the Cuban Communist Party, President Castro admitted that discrimination exists against Cuban citizens practicing religious faiths. Cuban officials more recently have stated that the Government and party are working to eliminate religious discrimination. A perceived relaxation of official attitudes has resulted in small increases in both Catholic church attendance and baptisms.

During 1988 the Government and party made several ad hoc concessions to the Catholic Church, including permission to augment the just over 200 priests now active in Cuba by some 20 foreign clergymen, authorization to operate telex links among the diocesan offices in Cuba and with church officials overseas, and the granting of the right to purchase a printing

press. Protestant churches were also allowed to import 50,000 Bibles, and the Jewish community was permitted to import kosher food and wine for Passover. Cuban authorities tolerated the very limited circulation in Havana of La Religion en Cuba, a monthly information bulletin published on religion and human rights by an independent religious historian and journalist. However, churches have not been conceded "rights" but in most cases simply granted exceptions.

Despite some conciliatory actions, the Government and Communist Party continued to maintain major restrictions and controls on the activities of organized churches. Church-state relations are administered by the Religious Affairs Department of the Central Committee of the Cuban Communist Party, which was established in 1985. Churches and other religious groups must register with the Government and be "recognized." Religious activities are authorized only within designated places of worship. Many Catholic and Protestant churches have been closed since the revolution, and construction of new churches is severely restricted. Four Protestant and two Catholic seminaries are allowed to operate, but no other religious schools are permitted at any level. Atheism rather than tolerance for religious beliefs is taught in the schools and by youth organizations. No access to the media exists for churches. The observance of religious holidays is difficult, and the celebration of Christmas is expressly prohibited.

The Government does not recognize some fundamentalist churches, and certain faiths have been singled out for additional punishment. In 1988 the Government still refused to register the Jehovah's Witnesses as a religious denomination. Its buildings have been confiscated, and adherents have been jailed for "illegal" religious activities. No exception to military service is made for conscientious objectors, although they may be assigned noncombat duties; those who refuse to serve for religious reasons are jailed. In May an evangelical minister of the Assembly of God Church, the Reverend Orson Vila Santoyo, was initially sentenced to a 5-month prison term after a trial for the illegal practice of medicine and for disorderly conduct during a "divine healing" service. On appeal, his sentence was reduced to a fine.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal restrictions on domestic travel, although informal restraints continue. Permission is required both to leave and to reenter Cuba. Opportunities for nonofficial foreign travel are restricted, limited generally to elderly persons, church officials, and special humanitarian cases for serious family illness or death.

Cuban authorities strictly control emigration, but permitted several thousand persons, including hundreds of former political prisoners, to leave the island in 1988. Draft-age males were generally not allowed to leave the country. During 1988 the Government continued to deny exit permission without explanation to a few persons who had been accepted into immigration and refugee admissions programs of other countries.

It is a crime to leave the country without authorization. Persons who attempt to flee on small boats or inner tubes face

sanctions ranging from fines to 3 years imprisonment. Cuban officials in 1988 claimed there were 140 prisoners convicted of "illegal" departure attempts. Intending legal emigrants frequently suffer various forms of government discrimination. Persons who apply may lose their jobs, houses, and ration books. Some are asked to repay the Government the cost of their higher education. Once emigration formalities are completed, all family possessions and property usually fall to the State.

Cubans traveling as emigrants or refugees to other countries have no right to return for a visit or repatriation. The Government continues to restrict the number of persons of Cuban origin permitted to visit their families on the island. In October the Government announced that Cubans who emigrated after 1978, including those who fled on the Mariel boatlift, would be allowed to visit relatives in Cuba on a limited basis (initially 10 persons per week). In the past, Mariel refugees were routinely denied Cuban entry permits.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no right to seek to change their government or to organize politically except through the Communist Party, the only legal party in Cuba. It completely dominates the political process under the leadership of Fidel Castro and the overlapping party and state hierarchy which has remained largely unchanged for 30 years. Members of the highest governing bodies, the Politburo and the Central Committee, are selected by a small group of party leaders. Although direct elections are held to fill municipal offices, provincial assemblies and the National Assembly are elected indirectly. All candidates must in effect be approved by the Communist Party. Only the party and its affiliated mass organizations have the right to distribute political materials or to organize electoral meetings.

When various human rights activists attempted to form the nuclei of political parties in the summer of 1988, President Castro rejoined in a major speech on July 26 that political parties, and the diversity of opinion they would represent, could never be tolerated by Cuba's revolutionary Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights monitoring groups are legally unrecognized and continue to lead a precarious existence. The Government tolerates them but circumscribes their activities and has repeatedly detained their members. There are two major domestic human rights monitoring groups in Cuba, the Cuban Human Rights Committee (CHRC) and the Cuban Committee for Human Rights and National Reconciliation (CCDHRN), plus a host of smaller human rights-related groups which appeared in the course of 1988. In a television interview in March, Fidel Castro reiterated that he would never allow his Government to recognize a human rights movement in Cuba. The domestic human rights groups are regularly excoriated in the government-controlled media as "illegal" and "subversive" counterrevolutionaries.

Official policy towards the domestic human rights groups has fluctuated between repression and limited tolerance. The

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Government's treatment of Cuba's two most prominent resident human rights activists since 1980 is illustrative: Ricardo Bofill, President of the CHRC, was imprisoned for enemy propaganda (1980-1982), imprisoned after speaking to French journalists (1983-1985), in refuge in the French Embassy for fear of arrest (1983; 1986-1987), and repeatedly harassed by "irate neighbors" (1987-1988). Bofill claimed he did not appear before the UNHRC Cuba Working Group in September because of fear of harassment. Bofill emigrated to West Germany in October. Elizardo Sanchez, President of CCDHRN and former CHRC deputy to Bofill, was imprisoned in the wake of French Press Agency (AFP) and Reuters interviews with a CHRC member (1986-1987). In 1988 Sanchez became the first Cuban human rights activist allowed to travel abroad, conduct interviews with the foreign press, and return to Cuba. He was subsequently denied permission to undertake a second trip abroad in October.

Government tolerance of domestic human rights groups increased marginally in 1988. Cuban human rights leaders have been allowed to meet with foreign journalists and resident diplomats since mid-1987 without reprisals beyond vitriolic attacks in the press. Members of the CHRC, CCDHRN, and other groups were permitted access to the visiting UNHRC Cuba Working Group. After the Cuba Working Group visit, however, some human rights activists were harassed, arrested, and, in some cases, imprisoned for attempts to exercise freedoms of expression and assembly.

In response to growing international pressure, Cuban authorities in 1988 permitted entry to several international organizations and foreign nongovernmental groups active in monitoring human rights practices. Delegations from the UNHRC, the International Committee of the Red Cross (ICRC), AI, the Association of the Bar of the City of New York, and the U.S.-based IPS were allowed to visit Cuba and in many cases to tour some prison facilities and to interview inmates. Spokespersons for the UNHRC and other visiting delegations indicated that, in general, the Government did not impede their activities. Cuba has accepted continuing ICRC interviews of political prisoners. AI and the New York City Bar Association published reports on their observations in 1988.

The most significant international visit was made by the Cuba Working Group of the UNHRC. The 44th (1988) session of the UNHRC in Geneva decided to send a team to investigate human rights in Cuba. After initial resistance, the Cuban Government extended an invitation to UNHRC observers. A 6-member UNHRC Cuba Working Group, led by UNHRC Chairman Alioune Sene, visited Havana from September 16 to 25 and conducted an extensive program of visits and meetings with government and party officials, with representatives of religious denominations, and with over 89 private Cuban citizens, including most of the prominent human rights activists. Some 1,500 individuals sought to put forward complaints to the group about human rights abuses. The Government, however, imposed measures of intimidation to discourage Cubans from testifying before the Cuba Working Group and, despite an explicit commitment to the Working Group, took repressive actions against some who did testify, as described above. The Cuba Working Group's findings will be reported to the 45th UNHRC plenary.

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Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution expressly forbids discrimination on the basis of race, sex, or national origin, and there were no known incidents of direct racial or sexual discrimination during 1988. Outdated and ambiguous data make it difficult to determine statistically how fully racial minorities and women are integrated in society. The Third Congress of the Cuban Communist Party admitted in 1988 that both racial minorities and women are underrepresented in responsible government and party positions at all levels. At present about 18 percent of the full and alternate members of the Central Committee of the party are considered to be of black or mixed race, while these minorities appear to constitute roughly half of the general population. Eighteen percent of the Central Committee members are women.

Recent social and economic statistics are not issued on the basis of race, but Cuban blacks appear to receive lower incomes, make up a greater percentage of prison inmates, and suffer poorer health than do Cuban whites proportionally.

The most recent available official labor force statistics show women made up 30 percent of the labor force in 1980. Today, women appear well represented among medical and some other professional ranks, but most women are still engaged in traditional female occupations. The Family Code of 1975 equalized pay scales, reversed sexual discrimination against promotions, provided generous maternity leave, and gave employed women preferential access to goods and services.

Section 6 Worker Rights

a. The Right of Association

The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment; the decision and choices of workers are subordinate to the "demands of the economy and society" (Article 44). Cuban labor organizations are not trade unions in a strict sense and do not act as a voice for workers' rights and benefits. By law, they possess no autonomy or rights, including the right to strike. Labor is organized under the control of the State and party through the Confederation of Cuban Workers (CTC), the umbrella group for organized labor. The CTC is affiliated with the Prague-based World Federation of Trade Unions and its regional organization, the Permanent Congress of Trade Union Unity of Latin America. The CTC serves primarily as an instrument of the State to enforce political and labor discipline, encourage productivity, hold down labor costs, and save raw materials. Some CTC member labor organizations have served as debating forums for the consideration of a limited range of labor issues such as worker safety and local working conditions.

The right to form an independent union is prohibited, and even discussion of such a step is subject to punishment. In 1988 there was no independent attempt at labor organization reported. The most recent known incident of government action against efforts to form an independent union was the 1983 case of five workers who discussed an independent union with colleagues and were charged with "industrial sabotage." The Government reportedly sought the death penalty in these cases, but an international outcry resulted in the eventual

commutation of their sentences to 30 years' imprisonment. The four defense attorneys in these cases were themselves prosecuted and received 30-year sentences. One of the lawyers, Aramis Taboada, died in jail in 1985 under circumstances which have never been fully disclosed.

b. The Right to Organize and Bargain Collectively

Effective collective bargaining does not exist. The State Committee for Work and Social Security sets wages and salaries for the state sector. There are no known export processing zones in Cuba which are exempt from normal labor regulations.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the Labor Code do not contain prohibitions on forced labor. Governmental restrictions on the freedom to choose or change employment are incompatible with International Labor Organizations (ILO) conventions banning forced labor. There are a series of measures aimed at promoting labor discipline and productivity which effectively amount to officially sanctioned coercion of workers. Workers do not have full freedom to change jobs without official approval. Every worker has to present a work identification card in seeking a new job. This card contains information on performance of "voluntary" work, protection of Socialist property, political conscience, failure to meet production goals, and negligence. In practice, any job change remains under the control of the authorities who grade and evaluate employee records that form the basis of the work identity cards. Labor requirements imposed on students are described in the following section.

d. Minimum Age for Employment of Children

The legal minimum working age is 17; however, the Labor Code provides for exceptions for those aged 15 and 16 to obtain vocational training or to fill labor shortages. There is no evidence that authorities deviated from these rules in 1988. However, all students above the age of 11 are expected to devote 30 to 45 days of their summer vacations to agricultural work up to a maximum of 8 hours per day.

e. Acceptable Conditions of Work

During 1988 the Cuban minimum wage remained at $140 per month at the overvalued official exchange rate or about $20 in terms of black-market buying power, plus a "social wage" consisting of free medical care and education, along with subsidized housing and food rationed at very low prices. Even with the state subsidies, a worker needs to earn substantially more than the minimum wage to support a family. Most families make ends meet by having two wage earners. The value of the "social wage" in improving living standards is somewhat negated by the persistent shortages and tight rationing that are standard features of the Cuban economy. For example, most newly married couples must live with relatives for years before obtaining their own housing, the best medical care is reportedly allocated according to political loyalty, and the suppression of free farmers' markets in 1986 has exacerbated food shortages.

Maximum hours of work are 44 regular hours per week, with shorter workdays for unusually demanding jobs such as underground mining. Overtime is limited by law and practice,

although workers are pressured to engage in additional unpaid "voluntary" labor. Workers receive 30 calendar days of vacation regardless of seniority or age. Provisions for worker safety and control of pollution generally appear inadequate. There is a lack of effective control mechanisms to ensure worker safety and industrial accidents are apparently frequent.

DOMINICA

Independent since 1978 and a member of the British Commonwealth, Dominica has a system of parliamentary democracy dating back to British colonial rule. Prime Minister Eugenia Charles and the governing Dominica Freedom Party (DFP) won the July 1980 general elections and were reelected to a second term in July 1985. Both elections were free, fair, and open, and voter participation was heavy. The opposition Democratic Labor Party (DLP) formed a coalition with a number of smaller opposition groups before the 1985 elections and won 43 percent of the popular vote. A third party, the Dominica United Workers Party (DUWP), was formed in 1988.

Since the defense force was disbanded in 1981 following two violent coup attempts, the police have been the only security force in Dominica. A small Special Service Unit (SSU) has been organized within the police force as part of the Regional Security System of the Eastern Caribbean States. The SSU has been provided some light infantry training, and a marine wing has been organized within the police force to function as a coast guard. Both the SSU and the marine wing are supervised by the Commissioner of Police.

Dominica's mountainous terrain and periodic devastation by hurricanes have caused it to remain one of the least developed nations in the Eastern Caribbean. In 1988 Dominica completed the second year of a structural adjustment program sponsored by the International Monetary Fund and the World Bank, and the country's economic growth rate has improved significantly. The primarily agrarian economy is prospering due to continued high earnings from banana exports to the United Kingdom under a generous quota. Consequently, government attempts to encourage crop diversification have not been successful. Several small industrial plants are operating, but unemployment remains Dominica's main social problem.

Dominica's human rights record remained good during 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture or other forms of cruel, inhuman or degrading treatment or punishment, and there were no reports of such practices.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile. The right to a judicial determination of the legality of the detention is respected. Dominican law requires that persons arrested or detained be charged with a crime within 24

hours or be released from custody and this is honored in practice. There were no reports of arbitrary arrest or exile in 1988. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for public trial before an independent, impartial court. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right of appeal on legal or procedural matters. However, indigent criminal defendants are provided legal counsel only in capital cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary entry, search, and seizure. Search warrants are required by law. There were no reports in 1988 of arbitrary government intrusions into the private lives of individuals.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the right of free expression, which is affirmed in practice. The political opposition freely criticizes the Government. Dominica's main radio station is state owned, and the other two stations confine their broadcasts to religious programming. However, Dominicans enjoy good access to independent news sources through cable television and radio reception from neighboring islands. The sole weekly newspaper was founded and is supported by the Catholic Church. Its editorial stance is generally pro-Government, but opposition viewpoints are prominently reported. In 1985 the Government discontinued live radio broadcasts of Parliamentary sessions, a reflection of official displeasure over the opposition's use of the airwaves as a dramatic stage from which to promote its causes. The DLP responded by refusing to engage in parliamentary debate for 18 months. The broadcast ban remained in place throughout 1988.

b. Freedom of Peaceful Assembly and Association

Freedoms of association and assembly are honored without exception. Opposition groups hold rallies, meetings, and conventions without hindrance from the Government. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The population is 80 percent Roman Catholic, and the remainder is largely Protestant, with a small Muslim community and some Rastafarians. The free practice of religion is allowed, and religious groups from the United States and other countries regularly visit Dominica to promote their faiths.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are provided for by law and honored in practice. Passports are state property and may be withdrawn if

subversion is suspected. The Government has on occasion prevented travel to Libya by means of passport revocation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Dominica has a parliamentary system of government in which citizens have clear political choices and opportunities through free elections to change their government. In 1980 the DFP gained power for the first time and was subsequently reelected in 1985. Both elections were universally acknowledged to be fair. The DFP now holds 17 seats in Parliament and the DLP 4. Together, they represent a broad political spectrum. Elections are required at least every 5 years, with the next election due in 1990. The newly formed third party, the DUWP, will provide the voters a further choice when elections next occur. Women play a significant role in political life; the Prime Minister and the mayor of the capital city, Roseau, are female.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international human rights organization has a branch office in Dominica. The Human Rights Committee of the Dominica National Workers Union has occasionally published allegations of human rights violations in Dominica in the past. The Union is not affiliated with any recognized labor organization. There were no formal human rights complaints during 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for equal rights under the law regardless of race or sex. There is no legal restriction on the role of women in the nation's public or social life. Once largely limited to the home and to agricultural work, the rle of women has changed dramatically as women they assumed increasing responsibilities in public and private enterprises. Women now constitute at least half the paid labor force and figure prominently in such traditional male occupations as banking and government service. Although most business leaders are men, the outgoing 1988 Chamber of Commerce president was a woman. The 1977 Labor Standards Act specifies equal pay for equal work and is observed in practice.

Section 6 Worker Rights

a. The Right of Association

Labor has the right to organize, choose representatives, bargain, and to strike. Workers are organized in both the public and private sectors and in agricultural and industrial activities. The right to strike is respected in practice. In 1988 agricultural workers went on strike at a coconut plantation and won their demand for back pay. A strike was also threatened at a foreign-owned garment plant. With the exception of the Civil Service Association, labor unions have small memberships and are not a significant political force. In 1988 the Government introduced legislation to regulate civil servants' wages and thereby restrict collective bargaining in the public sector.

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b. The Right to Organize and Bargain Collectively

Union rights are protected by law and enforced by judicial and police authority. Workers have the right to bargain collectively in negotiating the settlement of disputes with employers, and the Government promotes mechanisms for voluntary negotiations between employers and workers and their organizations. There are no sectors or areas, including export processing zones, where union organization and collective bargaining are legally or admiistratively discouraged or impeded. Union officials and members are protected by law against antiunion discrimination. Unions are free to organize workers without Government or employer interference. In 1988 a Korean firm opened a garment factory in Dominica and workers were able to organize freely. The workers subsequently presented an eight-point proposal to the firm and were supported by the Dock Workers Union, which refused to load Korean products until bargaining ensued. Collective bargaining is fairly widespread in the nonagricultural sector. Enforcement mechanisms are the responsibility of the Department of Labor, whose inspectors carry out investigations under the supervision of the Commissioner of Labor. Dominica is a member of the International Labor Organization.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Dominica.

d. Minimum Age for Employment of Children

The minimum working age is 14 and is generally observed in practice.

e. Acceptable Conditions of Work

The standard workweek is 40 hours in 5 days. Workers are entitled to minimum of 2 weeks' annual vacation. The only minimum wage is that for agricultural workers at $3.80 per day, which is barely sufficient to support the worker. The Employment Safety Act, an Occupational Health and Safety Law consonant with international standards, was passed in 1984. Occupational health and safety standards are carried out under this law. Firms are notified of deficiencies and given 3 to 6 months to come into compliance. Inspections are continual, but to date there are no cases of prosecutions or fines under the Act.

DOMINICAN REPUBLIC

The Dominican Republic is a constitutional democracy with a popularly elected president and a bicameral congress. The Supreme Court heads an independent judiciary whose members are appointed by the Senate. Political parties representing the ideological spectrum from left to right freely and actively participated in the May 1986 national elections, the sixth consecutive elections since 1966. The current President, Joaquin Balaguer, was inaugurated in August 1986; elections are next scheduled for May 1990.

The National Police (PN), the National Investigative Board (DNI), and the military serve as the security services. The PN has principal general arrest authority, with the military assuming arrest authority for armed forces personnel or suspects apprehended by military patrols. The DNI is the principal national investigative body and generally does not have arrest authority. In May the Government created the National Executive Council for the Control of Drugs to coordinate domestic and international narcotics programs, bringing under a single authority elements of the National Police, military, and DNI. All branches of the security services are responsive to civilian authority and committed to the constitutional order.

The Dominican Republic has a mixed economy based primarily on agriculture (approximately 20 percent of the gross domestic product) and services. The Government accounts for nearly 25 percent of the gross domestic product and controls several major industries (sugar, national airline, electricity, etc.). Historically, sugar has been the principal export, although tourism, free trade zones, and remittances from Dominicans living abroad now generate more foreign exchange. The country continues to face the burdens of a $3.5-billion external debt, a 35-percent inflation rate, a rapidly growing population, and concomitant high levels of unemployment and underemployment. During 1988 discontent over the continued deterioration of basic public services, substantial increases in prices, and relatively low wage levels generated a series of demonstrations--some of which became violent.

Dominicans continued to exercise and enjoy the broad range of human rights provided by the Constitution. The political environment remained unrestricted, and individuals and political groups freely debated and criticized the Government's policies and programs. One issue raised by human rights groups, which has continued to generate criticism and allegations of abuse within the Dominican Republic, was the Government program of rounding up illegal Haitian residents and requiring them to choose between a contract to cut sugar cane or deportation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known cases of political killings in 1988.

b. Disappearance

There were no credible reports of politically motivated disappearances in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture. Although not widely practiced, excesses on the part of law enforcement officials have occurred, and the press occasionally reports cases of alleged police abuse. Access to the press and political parties by prisoners and their families encourages the Government to take corrective action. Government and police officials have stated their intent to monitor police activities and redress improper behavior, but have not always acted effectively. As in previous years, there were several cases in 1988 in which individual members of the police were accused of beating suspects.

The inadequately financed prison system suffers from unsanitary conditions and overcrowding. The Government publicly acknowledged this problem in 1988, and the Attorney General's office initiated a study to develop a solution. As an initial step, in July the Director General of Prisons began much needed repairs on La Victoria National Prison.

d. Arbitrary Arrest, Detention, or Exile

There are no known instances of arbitrary arrest, illegal detention, or exile of persons for expressing views contrary to or critical of the Government. The Constitution stipulates that suspects may be detained for a maximum of 48 hours for investigation before arraignment, after which they must be charged or released. This requirement is generally observed.

In July the Government initiated a campaign targeting juvenile delinquents for pickup in neighborhoods plagued by high crime and street gangs. In August it began sweeps of specifically targeted establishments (such as night clubs and discotheques) suspected of being used regularly by drug traffickers. Although legal under Dominican law, these operations were strongly criticized as being indiscriminate. In September the police announced a more selective policy in detaining suspects.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There are no known political prisoners. The Constitution provides for a public trial. No special court for political or national security cases exists, and civilians may not be tried by a military court. Members of the armed forces are tried by military courts, except under specified circumstances and only after review by a military board. The appeals procedure, which includes appellate courts and the Supreme Court, is widely utilized. Court-appointed lawyers normally are provided at public expense to indigents only in criminal cases; they are seldom provided in criminal misdemeanor cases in which their provision is at the court's discretion. Prosecuting attorneys are appointed by the executive branch.

Judges at all levels are appointed and approved by the Senate. They are nominally independent of the executive branch and are

subject to removal or transfer by a majority vote in the Senate. Their terms of office correspond roughly to that of the President and other elected officials. The newly elected Senate can either designate their replacements or reconfirm them. Judges earn a relatively low salary, and the fairness and timeliness of some trials have been subject to allegations of influence and manipulation. There is a widespread public belief that a number of judges and prosecutors accept bribes.

The slowness of the judicial system, a problem for many years, continues to come under criticism. Although the right to judicial determination of the legality of detention exists, preventive detention of those awaiting trial is legal and commonly employed, and many of those accused remain in prison for lengthy periods. A 1987 study indicated that over 85 percent of those incarcerated in the country's prisons were still awaiting trial, including many who have spent years in jail.

There have been accusations that political factors are behind the prosecution of members of the previous administration on a variety of corruption charges. In response to his 1987 indictment, ex-President Salvador Jorge Blanco announced in July 1988 that he would present charges before the Inter-American Commission on Human Rights (IACHR) that the Government of President Balaguer had violated his human rights through political persecution. Stating that the Government had not intervened in the criminal proceedings, President Balaguer also requested the IACHR to investigate Jorge's allegations. Jorge presented his charges to the IACHR in August. The Commission is still considering the matter. Jorge, who had been in the United States undergoing medical treatment since mid-1987, did not return to the Dominican Republic to appear at his criminal trial which began in Santo Domingo in September. He was sentenced in absentia to 20 years in prison and fined several million dollars. Jorge returned to the Dominican Republic in November to appeal his conviction.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reports of arbitrary governmental interference with the private lives of persons or families. Constitutional safeguards against invasion of the home normally are observed. A residence may not be searched except in the presence of a prosecutor or an assistant prosecutor, excluding cases of "hot pursuit" or instances where there is probable cause to believe that a crime is actually being committed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These liberties are provided for by law and are respected in practice. Dominican newspapers are privately owned and freely reflect independent and opposition points of view as well as criticism of the current Government. The numerous privately owned radio and television stations air all political points of view. Moreover, government officials and the media frequently exchange views. There is no government censorship on political grounds. The Government in 1987 announced an investigation into the erroneous seizure of equipment from a local television station. There were no public reports on this incident in 1988, and both the Government and the station have dropped the matter.

While customs authorities from time to time confiscate Communist literature at ports of entry, books of all political persuasions are readily available for public sale. University autonomy and academic freedom are respected by the Government.

b. Freedom of Peaceful Assembly and Association

These freedoms are provided for by the Constitution and are respected in practice. Outdoor public marches and meetings require government permits, which are routinely granted. Indoor gatherings of political parties, labor unions, and other associations are unrestricted.

Professional organizations of lawyers, doctors, journalists, and others function freely and can maintain relations with counterpart international bodies of diverse political philosophies.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Discrimination on religious grounds is prohibited by the Constitution. There are no religious requirements to hold public office, no restrictions on the practice of religious faiths, and no social discrimination based on religion. Approximately 95 percent of the population is Roman Catholic, and the Church's preeminent position is accepted by the populace at large and is recognized in the Concordat between the Dominican Republic and the Holy See.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on travel within or outside the country. Many political exiles returned after a 1978 amnesty, but a specific legal ban on the return of certain members of the family of Rafael Trujillo, a former dictator, still exists.

The status and treatment of Haitians living in the Dominican Republic have been criticized by the press and private groups, both in the Dominican Republic and abroad. The Haitian community of approximately 500,000 is composed mainly of illegal immigrants seeking improved economic conditions. Over the years, many have come on labor contracts to cut sugar cane.

Illegal immigrants routinely are deported under Dominican immigration law, while those seeking political refuge are not repatriated if the Government determines that they have a legitimate fear of persecution. Haitian President Manigat fled to the Dominican Republic when he was overthrown by General Henri Namphy in June, as did Namphy when he was deposed in September.

The Constitution requires that all foreigners abstain from political activities in the Dominican Republic.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Dominican Republic is a functioning multiparty democracy in which governments are freely elected by the citizenry.

DOMINICAN REPUBLIC

Opposition groups of the left, right, and center operate openly and participated in the 1986 elections in which nearly three-quarters of the registered electorate voted, selecting national, provincial, and municipal office holders.

Women's political rights have been recognized in legislation since 1941. Forty-seven percent of registered voters are women, and women hold both elective and appointed offices in the Government. President Balaguer designated women governors for 8 of the country's 29 provinces.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The access of international human rights organizations is unrestricted. The Legal Advisor to the President asserted in 1987 that international human rights organizations could visit the country to assure that legal due process is respected.

Private organizations which freely report and comment on human rights include the Dominican Human Rights Committee, the Dominican Union for the Defense of Human Rights, and the National Committee of Human and Labor Rights. These organizations, as in the past, have criticized the treatment of Haitian cane cutters (both residents and migrant workers) in the sugar cane fields.

The Dominican Republic participates actively in international and regional human rights bodies and supports efforts to promote human rights in international forums. In July President Balaguer offered full cooperation to the Organization of American States in response to charges before the Inter-American Commission on Human Rights that the Government of the Dominican Republic was politically persecuting ex-President Jorge Blanco.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Sexual and racial discrimination are prohibited by law. Divorce is easily obtainable by either spouse, and women can hold property in their own names apart from their husbands. Nonetheless, women traditionally have not shared equal social and economic status or opportunity with men, and average wages for men remain significantly higher than those paid to women. There is subtle social discrimination against darker-skinned Dominicans, although this has not prevented their success in a variety of fields, including elected political office. Dominicans, for historical reasons and because of sharp cultural differences, generally are prejudiced against Haitians. This prejudice carries over to a minority of Dominicans in the population who are of Haitian descent.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the freedom to organize labor unions, and also the rights to strike and to lockout in private industry. However, unions operate under the handicap of a dated labor code (1951) that gives unions few rights vis-a-vis management and gives no effective protection for organizers or union officials. The labor code specifies in detail the steps required to constitute a legal union, federation, or

confederation, and labor has objected that the Government can use the failure to comply with every detail to withhold official recognition. The code defines the right to strike but also denies the right to strike to workers in public services and prohibits general strikes. Although the code denies strike privileges to public service workers, these unions have not been deterred from strikes--including work stoppages in 1988 by doctors, nurses, teachers, agronomists, and sanitation employees. The International Labor Organization's (ILO) independent Committee of Experts in 1988 noted several deficiencies in the Dominican labor code, including the prohibition of sympathy strikes and political strikes.

Organized labor in the Dominican Republic represents about 15 percent of the work force and is divided among eight competing and highly politicized confederations. The confederations exercise only a limited degree of control over their affiliates. Unions represent the entire political/ideological spectrum, and several are associated with regional and international labor organizations. The American Institute for Free Labor Development (AIFLD) estimated that, based on the membership of Dominican organized labor, 32 percent were affliliated with the International Confederation of Free Trade Unions (ICFTU), 16 percent with the World Confederation of Labor (WCL), and 25 percent with the Communist dominated World Federation of Trade Unions (WFTU). An additional 22 percent are affiliated with the Communist regional trade union organization (CPUSTAL). The politically affiliated organizations frequently pursue partisan political objectives as much as workers' economic interests, but are independent of government control. The ailing economy and high unemployment and underemployment have hampered the growth of organized labor.

b. The Right to Organize and Bargain Collectively

The labor code clearly stipulates that workers cannot be dismissed because of their trade union membership or activities. Still, there are complaints that these protections are ignored and that labor leaders are being discriminated against. Criticism is often directed at article 69 of the code which essentially permits an employer to dismiss a worker without cause.

Although the labor movement is growing and collective bargaining is increasing, both are greatly limited by the competition and fragmentation of labor and labor's scarce financial and manpower resources in hard economic times. One of the fastest growing economic sectors is the industrial free trade zones which began in the late 1960's and now employ over 80,000, representing the third largest source of employment after the Government and the sugar industry. The free trade zone labor force, over 70 percent female, is generally nonunionized. However, in the second half of 1988, labor representatives charged that workers identified in applications for union recognition were dismissed from free trade zone companies shortly after the presentation of documents to the Secretary of Labor.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law. There was no contract between the Governments of Haiti and the Dominican Republic to bring in Haitian cane cutters for the 1988 harvest.

As in the past, however, human rights groups and other organizations charged that Haitian laborers in the sugar cane fields, especially those in the country illegally, were subject to abusive living and working conditions and in some cases were forced to work against their will. The allegations against the Government--which controls a major part of the sugar industry through a parastatal corporation--were that Haitians were rounded up by government forces and required to choose between deportation or signing a sugar cane cutter contract. Some domestic human rights groups expressed concern that such actions may have impinged on the legal and human rights of Dominicans of Haitian descent as well as Haitians residing legally in the Dominican Republic. The issue has been under review for a number of years by ILO supervisory bodies, which continue to express their concern.

d. Minimum Age for Employment of Children

The Dominican labor code prohibits employment of youths under 14 years of age, and restricts the nighttime employment of youths aged 14 to 18. The labor code also provides that employees under 18 work no more than 8 hours a day, and specifies that those 18 years and younger may not be employed in dangerous or unhealthy jobs. In practice, many of the restrictions in the labor code are ignored. Young people, including minors less than 14 years of age, engage in a wide variety of work which technically violates the labor regulations.

e. Acceptable Conditions of Work

The labor code establishes that all workers are entitled to 24 hours of rest after 6 days of work; in practice, a typical workweek is Monday through Friday plus half a day on Saturday. Safety and health conditions at the workplace do not always meet legal standards. The existing social security system does not apply to all workers and is underfunded, with the result that benefits are low, payments often delayed, and the medical care that is provided is limited and available only in the major cities.

In 1988 the Government, in response to terms worked out in church sponsored talks among the government, labor, and business sectors aimed at maintaining real wages in the face of high inflation, raised the basic minimum monthly salary from $55 to $80. Some smaller businesses and agricultural workers were exempt from the new pay scale, and in some instances local levels of government were not required to pay the mandatory minimum wages to their own public employees.

ECUADOR

Ecuador is a constitutional republic with a president and members of a unicameral Congress chosen in free elections. Members of the Supreme Court, chosen by Congress, preside over an independent judiciary. Elections in 1979 ended 7 years of military rule, and since then democratically elected administrations have governed Ecuador. Fourteen registered political parties and a free and partisan press participate in a lively and contentious democratic political process. Rodrigo Borja of the Democratic Left party was elected President on May 8 and began his 4-year term in office on August 10, succeeding the center-right presidency of Leon Febres Cordero. Borja's party, allied with another party on the center-left, controls an absolute majority in the 71-member Congress. The next congressional elections are scheduled for January 1990.

The President controls the police through the Ministry of Government. In 1988 local human rights organizations and members of Congress publicized several charges of abuse by the police and Ecuadorian security forces. Officials of the previous administration acknowledged isolated incidents but denied any systematic abuses. The new President has promised an "exemplary" degree of respect for human rights by his Government.

A small group of violent leftists, Alfaro Vive Carajo (AVC), maintains links with the Colombian M-19 guerrillas and periodically engages in acts of terrorism and insurgency. During the police campaign against the AVC in 1985-1986, human rights organizations charged the Government with unjustified killings of AVC members and with using brutal methods during the arrest and interrogation of AVC suspects. AVC activity continued to decline during 1988, and no violent confrontations with government forces occurred.

Ecuador has an essentially free enterprise economic system. Petroleum, agricultural, and fishing exports have financed most of the country's imports during the last 15 years, and petroleum revenues have been the mainstay of the budget in that period. The active labor movement is small but broadly based. Extensive rural poverty persists, especially among highland Indians.

Ecuador maintained generally good human rights standards in 1988. The most prominent human rights issues were the treatment of prisoners, judicial procedures, and continuing concern over police and armed forces abuse of ordinary citizens suspected of criminal activity.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known killings for political motives in 1988. However, on October 24, Superior Court Judge Ivan Martinez was murdered by unknown assailants. Because he was working on a number of drug trafficking cases, the press assumed his death was drug-related. Human rights groups remain concerned about instances of excessive use of police force against criminal suspects, including some minors. On April 9, for example,

rural police shot and killed Roberto Patricio Reasco near Quininde during a routine document check. A youth named Jose Peralta was picked up May 10 by police in Shushufindi and held for 3 days on suspicion of robbery. On May 14, his family retrieved his body from the morgue in Lago Agrio; the body showed evidence of extreme torture. On July 6, student Victor Alvarado Morales died from gunshot wounds while demonstrating against an increase in transit fares. The Minister of Government in the Febres Cordero administration denied police responsibility in this case. There were no instances in 1988 of police officials being tried and punished for use of excessive force.

b. Disappearance

There were no substantiated cases of disappearance attributable to the Government in 1988. Human rights monitors decried the previous administration's lack of public response to charges of disappearances said to have occurred in 1985 and 1986 and urged the Borja administration to try to shed light on these cases. They continued to press for information on the alleged disappearances of three persons detained by the military in Esmeraldas province in 1985 (Manuel Bolanos in October, Luis Vaca in November, and Consuelo Benavides Cevallos in December) and two persons arrested by police in Quito (Jaime Otavalo in August 1985 and Manuel Yanez in May 1986). In November 1988 a congressional inquiry--facilitated by the Borja government--began into the fate of Consuelo Benavides.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law. However, there were a number of credible allegations of torture in 1988. Human rights groups asserted that 20 cases of torture occurred in the first 6 months of 1988. (This represents a decrease from 1987, when 44 such cases were reported during the first half of the year). Particular concern was expressed that some of these cases of torture involved minors. For example, in mid-February an illiterate 14-year-old boy, Jose Manuel Chato, was picked up in Quito on suspicion of robbery. Chato was allegedly subjected to torture by the police, including the use of electric current applied to his genitals. Human rights groups charged that on February 25, a suspected AVC member, Galo Mora Procel, was apprehended and tortured by police prior to his release the next day. They also reported that, on June 25, Leonardo Fabian Brito was detained for insulting a policeman. He was hit on the face and body and a chemical substance was sprayed in his eyes.

There are charges that police frequently beat suspects or treat them harshly during initial interrogations. Although mistreatment of detainees is not officially sanctioned, human rights groups maintain the Government is responsible and say that little has been done to discipline those responsible for such abuses. It appears also that some police abuse --including torture--has occurred since Borja's inauguration on August 10. The Borja administration, however, has stated its unequivocal opposition to official use of abusive methods, and human rights groups hope that, over time, these statements will have an impact on police behavior. In early December, the Government sponsored a 3-day human rights seminar for the police, with the aim of promoting better human rights performance.

ECUADOR

Ecuadorian prison conditions are so squalid and brutal that in themselves they represent cruel treatment. Ecuadorian prison guards sometimes use solitary confinement and beatings for disciplinary purposes, even though this is contrary to prison regulations. Prisoners often bribe guards to avoid punishment and to improve their living conditions.

Human rights groups maintain that police unjustifiably applied the so-called ley de fuga (the law of escaping prisoners) on three occasions in 1988. This practice, unsanctioned by legislation, allows police to fire on fleeing prisoners. Escapees are generally not armed, and human rights groups argue that they would normally be willing to surrender if challenged.

Detainees under civil control who are charged with terrorism or subversion generally have not been mistreated if detained in Quito, but those detained in the Guayaquil penitentiary often are treated harshly.

d. Arbitrary Arrest, Detention, or Exile

The law provides for a judicial determination of the legality of detention. Preventive detention is illegal. The criminal code forbids isolated confinement for more than 24 hours and detention without charge for more than 48 hours, but this frequently is disregarded in practice. Detainees under civil control are allowed frequent family visits. The few detainees under military control are usually held incommunicado and reportedly have been mistreated. Human rights organizations accused the previous government of illegal detention of suspected terrorists and their family members, but this practice appears to have ended with President Borja's accession to office. Human rights groups do not believe there were any suspected terrorist detainees under military control in 1988. Mayors and municipal council presidents have the constitutional right to order the release of detainees and do so frequently, irrespective of the severity of the charges.

Forced exile is not practiced. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Congress elects the Supreme Court and has the power to impeach judges, to set the budget of the judicial branch, and to ratify the Supreme Court's judicial review decisions. From time to time, the Supreme Court investigates allegations of judicial inefficiency or improprieties and may remove judges.

The autonomous Constitutional Guarantees Tribunal (TGC) is composed of representatives named by the President, the Congress, the judiciary, municipalities, business, and labor. The TGC is empowered by the Constitution to investigate breaches of constitutional or human rights. The TGC submits its findings to Congress but has no statutory power to enforce sanctions. Military courts may try only those cases involving infractions of military regulations or acts against military installations.

As in most civil law systems, there is no trial by jury. Judges play a central role in investigations as well as in

deciding guilt or innocence. Defendants have the right to counsel as soon as arrested. They can call witnesses on their own behalf, cross-examine all witnesses, refrain from testifying against themselves, and appeal sentences to intermediate or higher courts. Although a public defender system is mandated by the 1979 Constitution, it has not yet been implemented.

Due to inefficiency and corrupution, detainees may wait 2 years or more for trial, placing additional burdens on the prison system. According to the Congressional Commission on Human Rights, approximately 50 percent of all prisoners have not been charged or sentenced. Time spent awaiting trial is counted toward completion of the final sentence, but some long-term detainees have been found innocent. Those unable to afford legal counsel face the longest periods of pretrial detention.

There were no Ecuadorian political prisoners in 1988. A Basque detained for suspected terrorist activity in 1987 was released in early 1988. The 39 Air Force personnel who remained in jail for participating in the 1-day kidnaping of President Febres Cordero were pardoned by President Borja in late November. Most were released immediately from prison, and the rest were released in December.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Police must have a warrant to enter a dwelling except in the case of hot pursuit. Although the Government generally respects the sanctity of the home and privacy of correspondence, police have been involved in illegal, surreptitious entries. One human rights group claimed that reports of violations of homes and private property numbered 15 for the first 6 months of 1988, a figure similar to the 1987 total for the same period.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression. All Ecuadorian media are privately controlled, with the exception of Radio Nacional, which is operated by the Government's Information Secretariat (SENAC). The Government exercises control of the allocation of radio and television frequencies.

There are over 30 daily newspapers, dozens of weeklies, numerous special interest magazines, four national television networks, six local television stations in the capital and the four largest Ecuadorian cities, and approximately 400 radio stations, all operating freely. These media outlets present a diversity of political opinion, ranging from Communist to ultraconservative, and vigorously debate political issues. Politicians and human rights observers accused the Febres Cordero Government of using a variety of pressures to soften or silence media criticism of its policies. Since President Borja took office in August 1988, government relations with the press have moved from adversarial to supportive and open.

The editor of a leading opposition daily was named Secretary of Information of the newly renamed SENAC (formerly SENDIP).

ECUADOR

The organization attempts to make the Government accessible to the media, promotes press freedom, and has abolished the progovernment simulcasts of the Febres Cordero administration. Ortel (TV 5 Quito), another private television channel, which was prohibited from operating for 4 years by the former administration, resumed broadcasting in August. There have been no reported closings of radio stations, threats against reporters, or arrests of journalists since August.

There is no political censorship of foreign or domestic books, films, or works of art, and no evidence of government interference with academic inquiry.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of free assembly and association. This generally is observed in practice. Public rallies require prior approval from local government agencies, which is generally granted. Demonstrations which threaten to disrupt public order or safety may be restricted.

c. Freedom of Religion

Although overwhelmingly Roman Catholic, Ecuador has no state religion. Citizens and residents are free to practice the religion of their choice. The Constitution prohibits the election of members of the clergy to the Congress, the Presidency, or the Vice Presidency. Foreign missionaries have operated freely in Ecuador for many years. Radio HCJB, the "Voice of the Andes," has functioned for more than 50 years as an evangelical Christian shortwave radio service supported largely by contributions from the United States.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Ecuadorians may travel freely at home or abroad. Persons from other Latin American countries have readily found asylum in Ecuador. No cases of involuntary repatriation of persons fleeing political persecution were reported in 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ecuador is a multiparty democracy with 14 registered parties representing a broad political spectrum. Eleven of these, including two avowed Marxist parties, are represented in the present unicameral Congress. Voting is mandatory for literate Ecuadorians 18 years of age and older and voluntary for illiterates. Political participation and suffrage are open to all citizens without discrimination on the basis of sex, ethnic origin, or socioeconomic status. All citizens have the right to form and join political parties.

Three of the 71 congressional representatives elected in 1988 were women. Several women occupy prominent positions in the present Government, though none at the ministerial level. A woman ran as a vice presidential candidate for a major political party in first-round presidential elections held in January.

ECUADOR

Only certified political parties may present candidates for election. An aspiring party must present a petition bearing a minimum number of voter signatures for certification. Strong political rivalries among individuals and ideological and regional differences account for much of the rough and tumble nature of the political process. Nevertheless, since the return to democracy in 1979, Ecuadorian elections have resulted in peaceful presidential transitions in 1984 and 1988. In late January, legislative, municipal, and local elections also took place in a fully free and open environment.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government seeks to be responsive to human rights inquiries from other states and public international organizations. The Foreign Ministry has an office responsible for providing detailed replies to queries from outside Ecuador concerning human rights matters. Ecuadorian human rights organizations are free to investigate human rights practices within the country, although there were accusations of low-level official harassment of human rights activists in 1988. The Congressional Human Rights Commission (HRC), formed in November 1986, was active in 1988. The Latin American Human Rights Association (ALDHU) is headquartered in Quito, as is an office of Amnesty International. Other active human rights organizations include two local private groups, the Ecumenical Commission on Human Rights (CEDHU) and the National Human Rights Commission.

During 1988, the outgoing Government continued its practice of refusing to engage in a substantive dialogue about human rights with private organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination based on race, color, sex, language, religion, political or other affiliation, social origin, or economic position. Although there is no overt or legally sanctioned discrimination practiced against these groups, the urban poor are predominantly black or of mixed race, and the Indian population is primarily rural and poor. The Constitution establishes complete political equality for men and women. However, women still may suffer discrimination under civil law. In 1987 changes were made in laws concerning divorce, property distribution, and inheritance which gave women equal rights with their husbands in these areas as required by the Constitution. Women usually receive lower wages than men employed in a similar position.

Section 6 Worker Rights

a. The Right of Association

Labor organizations represent about 15 percent of the country's economically active population. The labor movement, organized into four major confederations and many independent unions, reflects widely different political orientations and has links to international labor organizations. The labor movement is independent of the Government. The right to

strike is provided for by law in Article 31 of the Ecuadorian Constitution and in the Labor Code, except to government white-collar employees. The Labor Code provides that labor-management conflicts be submitted to "Conciliation Tribunals" which in practice are chaired by the Ministry of Labor. However, these negotiations are in fact voluntary, and either side has the right to refuse to participate. While negotiations are under way, strikes and lockouts are permitted.

b. The Right to Organize and Bargain Collectively

All private sector employees and government blue-collar workers enjoy the right to organize unions. The right to collective bargaining is guaranteed by law for private sector employees and government blue-collar workers and is used extensively in practice to resolve potential or actual labor conflicts. Collective bargaining rights are not, however, granted to government white-collar workers.

Ecuador's labor code provides for a considerable government role in encouraging voluntary labor-management negotiations, especially through the action of Conciliation Tribunals in the Ministry of Labor.

There are no export processing zones in Ecuador. Labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

By law, forced or compulsory labor is prohibited. In practice, Indians occasionally work for agricultural employers for near starvation wages and have no practical means to demand their rights. International Labor Organization (ILO) supervisory bodies concluded in 1988 that government decrees imposing prison labor sentences for offences committed by seamen in one case and for seditious acts in another were not in conformity with the ILO convention on abolition of forced labor.

d. Minimum Age for Employment of Children

Employment of individuals under the age of 18, the age of majority in Ecuador, requires parental permission. This regulation is generally observed in larger enterprises; however, many children in rural areas are active in the work force. Enforcement mechanisms prohibiting unauthorized employment of children exist but in practice do not effectively cover the rural poor or many activities in the informal sector of the economy.

e. Acceptable Conditions of Work

The labor code prescribes a standard 40-hour workweek with paid annual vacations. Ecuador enforces a minimum wage law. The wage, now set at approximately $44 per month, is not sufficient to support a family. In practice many people earn a fraction of the minimum wage. Many families must supplement the principal breadwinner's minimum wage with income from other sources. The labor code mandates safe and healthy working conditions and holds employers responsible for

maintaining such conditions. The Social Security Institute is responsible for monitoring complaints concerning working conditions and has legal power to enforce compliance. Enforcement is generally adequate.

EL SALVADOR

El Salvador has a freely elected democratic government, with an executive branch headed by a president, a unicameral legislative assembly, and an independent, but politically appointed, judiciary. A new Constitution was adopted in 1983, and the first free presidential elections in Salvadoran history were held in 1984. Legislative and municipal elections followed in 1985 and 1988. Numerous international observers agreed these elections were free and fair. Jose Napoleon Duarte, Christian Democrat, has been President since 1984.

The bitterly contested elections in March 1988 resulted in the transfer of majority control at the municipal and legislative levels from the governing Christian Democratic Party (PDC) to the opposition Nationalist Republican Alliance party (ARENA). The leaders of two political parties allied with the antigovernment insurgents, who had returned to El Salvador in 1987, announced in 1988 their intention to contest the March 1989 presidential elections. In October the general secretary of the legal political front of the outlawed Communist Party of El Salvador (PCES) returned to participate openly in the political system.

El Salvador's efforts to institute democracy, enforce respect for human rights, and redress social injustice are complicated and severely tested by the existence of a Marxist-Leninist guerrilla insurgency supported by Nicaragua, Cuba, and the Soviet Union. The five organizations, including the armed wing of the PCES, that form the Farabundo Marti Front for National Liberation (FMLN) have been engaged in armed conflict against the Government since 1980 and are dedicated to the violent overthrow of the democratic process. In recent years the FMLN, with an estimated 6,000 to 8,000 full-time guerrillas backed by a network of front groups consisting of part-time militia, clandestine cells, and paramilitary civilian supporters, has stepped up its program of urban bombings and assassinations of unprotected government officials. The FMLN has embarked on a campaign of threatening and assassinating mayors. Since March 1988, 8 mayors and 1 former mayor were killed by the FMLN and over 70 were threatened with death. The FMLN also increasingly relied on children for combat and support tasks in 1988. Finally, the insurgents continued to seek to destroy the economy by attacking infrastructure and production facilities.

The armed forces total 56,000, including some 11,500 members of the three police forces, which are under the control of the Defense Ministry. As the insurgency gathered strength in the early 1980's, members of the security forces committed numerous human rights violations, including killings, disappearances, and torture. Up to 1983 members of the security forces acquiesced in the operations of several formal paramilitary groups operating as rightwing death squads. Some of the paramilitary groups are believed to have had members belonging at the same time to the police or military. Although statistics are unreliable, there are credible estimates that these groups summarily executed thousands of persons during the 1980-1983 period.

While the formal paramilitary death squads ceased to exist after 1983, rightwing vigilantism has continued, albeit at a declining level. Reports in 1988 of efforts to resuscitate these formal paramilitary groups have not been substantiated. The paramilitary groups themselves have not acknowledged any killings since 1984. Commencing in mid-1987, there was an

increase of killings (press reports show a rise from an average of 11 per month in mid-1987 to an average of 20 per month for the first 10 months of 1988) in which a political motive was possible, though unproven. Some of these killings might have been carried out by rightwing vigilantes, the security forces, or the FMLN; others may have been committed by common criminals.

El Salvador has a mixed economy, and private property is generally respected. The economy has experienced 5 years of modest growth, despite losses of over $1.6 billion caused by the insurgency. The FMLN follows a strategy of seeking to disrupt the operations of the economy: it holds traffic bans, which disrupt normal commercial activity; it extorts "war taxes" to raise income; and it has increasingly resorted to sabotage of economic targets. The group's stated goal is to worsen economic conditions in order to turn the workers against the democratic system. Droughts, floods, and the 1986 earthquake also damaged the economy in recent years.

Although flawed, the security forces' human rights record has improved substantially since the early 1980's. However, members of the security forces appear to have summarily executed at least 14 individuals from January to October 1988. In September the Army reported that eight civilian detainees and two guerrillas were killed and a soldier wounded in an FMLN ambush in San Vicente department. Local residents contradicted the military's version of events. Five summary executions appear to have been committed during the same period in 1987. Some human rights monitoring groups' estimates are markedly higher but are nevertheless consistent with a significant downward trend since the early 1980's.

The judicial process continues to be hindered by archaic procedures, inadequate infrastructure, intimidation by leftist and rightist extremists, and corruption. There was little progress in several noteworthy human rights cases during 1988. There were credible allegations that the military was uncooperative in, and in some cases hindered, investigations of reported military abuses of human rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Statistics on political killings are necessarily inexact, and can only be interpreted as indicative of trends in violence over time in comparison with past reports using the same methodology. Common criminal deaths, for example, are easily disguised as political killings by perpetrators wishing to confound investigators; by the same token, political motivation in other murders may go undetected, causing them to be classified as common crimes.

The number of deaths reported in the Salvadoran press which appeared to be politically motivated averaged 18 per month through October; this compares with a monthly average of 23 in 1987, 22 in 1986, 28 in 1985, 64 in 1984, 140 in 1983, 219 in 1982, 444 in 1981, and 750 in 1980. Given the isolation of any rural areas, it is likely that the press underreports the total number of civilian deaths.

EL SALVADOR

These statistics on apparently politically motivated deaths were compiled by the U.S. Embassy principally from reports in the local press, but also from guerrilla media and other publicly available sources. Of the 185 killings of noncombatants during the first 10 months of 1988, 54 appeared clearly to have been perpetrated by, and another 60 possibly committed by, the FMLN. In 18 cases there was insufficient evidence to designate the likely assailants. Fourteen killings were attributed to military personnel. Finally, 34 civilians reportedly killed in combat action between the two sides are included among the 185 victims. Another 42 died as a result of guerrilla mines; one death is attributed to an army mine. The Catholic Archbishoprics' human rights and legal aid office Tutela Legal, which has acknowledged that in many cases the motivations for and perpetrators of killings cannot easily be determined, attributes 89 killings from January to November of 1988 to the security forces, 40 to the FMLN, and 51 to "death squads" (not further defined as a category).

Reports continue of noncombat killings attributed to the military and police. The mutilated bodies of two men and a boy were discovered on February 1 at Puerta del Diablo, a place that had once been a dumping ground for assassination victims. The killings were traced to soldiers of the army's First Brigade; the investigation has been stalled due to a lack of cooperation by the military. On May 24 the bodies of two men, who family members said had been detained by elements of the Army's Arce Battalion on February 25, were disinterred in El Tablon, Morazan department. The bodies showed signs that the men had been tortured before they were murdered. A third man taken at the same time remains missing. The army reported that the unit involved claimed the victims were killed in combat. On the basis of this report, the military halted further investigation, thus hindering the civilian investigation.

On September 21, an army unit reported that a soldier was wounded and eight civilian detainees were killed in an FMLN ambush near La Cebadilla Creek in San Sebastian, San Vicente department. The unit also reported two guerrillas killed. Local residents, however, contradicted the military's version of the events and claimed the 10 persons were killed by soldiers. Initial evidence from a court investigation and an exhumation casts doubt on the military's version. The Government's investigation continues, but by year's end no results had been announced.

In 1988 some foreign journalists and Amnesty International reported that the formal paramilitary death squads were rebuilding their infrastructures. In the early 1980's, the death squads often acknowledged their killings; there have been no such claims by a formal paramilitary group since 1984. While some human rights groups continue to use the phrase "death squads" to describe certain political killings outside of combat, many of these recent deaths are likely the result of less organized rightwing vigilantism rather than the formal pre-1983 paramilitary death squads.

A PDC official in the San Salvador suburb of Soyapango was killed in a December 12 altercation with municipal police. Some witnesses asserted that the incident was politically motivated, but details remained sketchy at year's end.

A U.S. Embassy study of unexplained murders in which a political motive, though not apparent, could not be excluded, showed that these deaths increased from an average of 11 per

month during the first half of 1987 to an average of 20 per month during the second half. The statistics for the first 10 months of 1988 did not show as regular a pattern, with 10 deaths in the low month, March, and 48 in the high month, April. The monthly average for January-October was 20. Although it is not certain that the increase following mid-1987 was politically motivated, the nature of some of the killings--signs of torture and execution, and the dumping of corpses--suggests the likelihood that they may have been politically motivated. It is unclear, however, whether these deaths were carried out by rightwing vigilantes, death squads, the FMLN, or the security forces; some also were probably the work of common criminals.

The May 11 murder by unknown assailants of Jorge Serrano, a civilian judge known for his high standards of integrity on the bench of the First Military Court, dealt a severe blow to the judicial system. Judge Serrano was hearing two important cases: the trial of four active and former military officers and two civilians for kidnaping prominent businessmen for ransom (the six accused were also allegedly involved in death squads); and the trial of three FMLN members for the June 19, 1985 massacre of four U.S. Marines, two other U.S. citizens, and seven other persons in San Salvador's Zona Rosa district. Serrano's assassination is generally thought to be tied to one of these cases; he had just announced to the press that he was not going to grant amnesty to the four kidnaping case defendants.

Of the killings attributed to the FMLN, many victims were rural residents who refused to collaborate with the guerrillas or were suspected of being government informers. On October 15, individuals claiming to be soldiers from the First Brigade summarily executed four men. Tutela Legal's subsequent investigation reported that the murders were committed by FMLN guerrillas who apparently believed that their victims were government informants. Labor groups, church leaders, and political figures have condemned the FMLN for the December 6 assassination of Ismael Diaz, an official of a democratic peasant association. Other victims of guerrilla actions were passengers of vehicles machine-gunned during one of the five "traffic bans" declared by the FMLN in 1988. There are also credible reports of civilians being taken from buses and killed by guerrillas and of persons who were kidnaped by guerrillas and have never reappeared. FMLN or pro-FMLN persons have also been killed by the FMLN. In January 1988, self-admitted member of an FMLN paramilitary group Jorge Miranda confessed to having taken part in the October 1987 killing of Herbert Anaya, himself a leader of a pro-FMLN human rights group. Although Miranda later retracted his confession, the Government argued that the retraction was prompted by FMLN threats against Miranda's family.

The FMLN has embarked on an assassination campaign aimed at eliminating democratically elected mayors. Eight mayors and one former mayor have been assassinated by the FMLN since March, including three in 1 week in November. More than 70 other mayors have been threatened with death during 1988 by the FMLN for cooperating with the Government.

Despite FMLN claims to respect the physical and psychological integrity of its captives, they nevertheless occasionally kill them. The guerrillas reportedly perform killings in front of other kidnap victims as a form of intimidation to persuade the captives to be cooperative. The FMLN has formed special groups

which, according to guerrilla radio broadcasts, are intended to kill government officials, military officers, businessmen, and foreign diplomats, particularly members of the American Embassy.

The guerrillas' use of unmarked, indiscriminately placed landmines and booby traps is a major cause of death and maiming. Planted along farm roads other economic and infrastructure targets these mines killed 36 civilians in 1987, and 42 in the first 10 months of 1988. From January through September, over 160 civilians--many of them children--were wounded by guerrilla mines. The Armed Forces of El Salvador (ESAF) uses mines on the perimeters of its installations. One man was killed in July by what was probably an army mine while working near a military training area.

b. Disappearance

Law and government policy forbid unacknowledged detention by security or armed services. However, there have been credible reports of persons who disappeared after having been taken away by men in uniform or plain clothes thought to be members of the army or security forces. Eliseo Cordova Aguilar, an executive of a pro-FMLN labor union, was standing outside his house on July 12 with a prosecutor from the Attorney General's office and another person when all three were abducted by three hooded men. The attorney and the other person were released 3 hours later, but Cordova remains missing. The labor union and several other organizations blame elements of the Treasury Police for the disappearance, and other credible sources concur in this assessment.

According to press reports, 46 civilians disappeared between January and August, including nonpolitical disappearances such as lost or runaway children aged 10 or over. Persons who desert their families, emigrate, or join guerrilla ranks may also account for some of the disappearances. Persons reported missing by family members often were found later to have been legally arrested and properly reported to human rights organizations. During the same period, the press reported 163 persons abducted by the guerrillas and 12 abducted by unknown assailants. During 1988 the guerrillas captured and exchanged or released several government officials and members of the armed forces.

In 1988 the FMLN increasingly relied on the use of children under the age of 15 in battle. Documents captured in 1988 revealed that both the People's Liberation Forces (FPL) and the People's Revolutionary Army (ERP) factions of the FMLN have organized children from the ages of 9 to 15 into so-called pioneer squads. Credible reports were received of children kidnaped by the FMLN for recruitment as "pioneers" and of their use as couriers and spotters. During a press conference in March, FMLN leader Francisco Mena Sandoval said that children are permitted to use weapons because they are the future of the revolutionary process. In the same press conference, FMLN leader Joaquin Villalobos declared the FMLN uses children "only for defensive purposes." According to reliable statistics from captured FMLN combatants and defectors, the average age of the FMLN fighter continued to decline in 1988 as the guerrilla forces increasingly relied on kidnaping of children to fill its dwindling ranks. Children under 15 were used by the guerrillas on September 22 to penetrate a marked minefield surrounding a military post at Cerro Aguacate. One 9-year-old child lost both hands. The

bodies of what appeared to be six 14- to 16-year-old boys were left behind by FMLN forces that attacked an ESAF position in San Miguel department on February 17. The Salvadoran military has also been criticized for forced recruitment of minors. It is government policy to dismiss underaged recruits.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Reports of abuse by arresting forces continue, with most involving abuses that leave no marks and thus are extremely difficult to prove or disprove. Such abuses include deprivation of food and sleep, threats against the detainee or his family, prolonged interrogation while blindfolded, being forced to stand for long periods of time, forced exercise, and blows to the ears. Some prisoners claim to have been forced to sign confessions without being permitted to read them. Some instances of severe beatings, rape, choking, injection with unidentified drugs, and electric shock were reported. Jose Angel Alas Gomez, 27, arrested for complicity in an extortion scheme, died on January 12 while in Treasury Police custody. The police blamed the death on a heart attack brought on by a fall while trying to escape, but marks on the body cast doubt on this story. When a complaint of mistreatment appears credible, the Government's Human Rights Commission (CDH) reports the incident to the commander of the unit responsible and to the Ministry of Defense. Not all commanders who have been presented with such charges have taken action against the offenders.

The Government continued to use disciplinary action to reduce the incidence of crimes committed by the ESAF. During 1987 143 military and police were turned over to the courts for trial on charges of murder, rape, assault, robbery, and other serious crimes. The figure for the first 7 months of 1988 was 94, all of whom were enlisted personnel. Most disciplinary actions taken in 1988 were related to common crime.

In recent years, there have been few allegations of mistreatment of prisoners in El Salvador's prisons, administered and guarded by justice ministry personnel. No verifiable instances of torture occurred in the penitentiaries in 1988. The 44 prisoners in pretrial confinement for insurgency related offenses as of November 1988 were distributed througout the prison system and treated as common criminals. In late 1987, the Government released over 480 political prisoners, the first Esquipulas II signator to achieve full compliance with the amnesty provisions of that agreement.

Human rights instruction is now a part of police recruit training and officers' classes. The CDH, the International Committee of the Red Cross (ICRC), and Catholic clergy offer courses on human rights for police, military, and civil defense personnel.

The Salvadoran security and armed forces are required to register detainees and have them examined by a doctor or nurse upon their entry into police facilities. In insurgency-related arrests, they are also required to notify promptly the family of the detainee, Tutela Legal, the CDH, and the ICRC. The registration, notification, and arraignment procedures, together with the official prohibition on mistreatment of prisoners, continued to be enforced in an effort to eliminate mistreatment by government authorities.

d. Arbitrary Arrest, Detention, or Exile

The criminal code contains articles prohibiting terrorism, insurgency, and other actions against the stability of the State, and persons arrested under them have the same legal protection as common criminals. Salvadoran law permits judges and nonjudicial authorities, most often security force officers, to issue arrest warrants, which must be in writing. The Constitution requires that all persons arrested by the police be freed or turned over to the courts within 72 hours, and this right has been applicable since the state of emergency was abrogated in 1987. Arrests without apparent sufficient cause do occur, but incommunicado detention beyond 3 days is no longer common. When it has occurred, it usually has been the result of a detention in the field by an operating military unit.

The courts have held that membership in a front organization controlled by the insurgents is not in itself sufficient reason for holding an arrestee, although membership in one of the guerrilla groups or advocating violence is. For example, Mario Aguinada, secretary general of the Nationalist Democratic Union (UDN), the political arm of the PCES, returned to El Salvador in October after a self-imposed, 8-year exile. The UDN and Aguinada hold that insurgency is a legitimate means of addressing El Salvador's problems, and the PCES has a military arm in the field. Despite this background, Aguinada participates freely in politics.

From January to September 1988, the security forces detained 2,861 persons, including 130 foreigners, on suspicion of insurgency-related offenses. Of that number, 2,410 were subsequently released, 397 were consigned to the courts, and 54 were hospitalized, deported, or sent to the juvenile facility.

During the arraignment proceedings, the judge may order the accused detained further for up to 72 hours to determine if the evidence warrants holding the accused for trial. This time limit is normally adhered to in practice. The judge then is constrained legally to a time limit of 120 days for investigating serious crimes, and 45 days for lesser offenses, before bringing the accused to trial or dismissing the case. In practice, however, these limitations are not followed. The backlog of cases is one major reason for delay. All persons held in the prison system are under judicial order. Anyone can request that an appeals court or the Supreme Court review the legal merit of a detention, from the time it appears a court will issue an arrest warrant until the trial is completed and a sentence is carried out. Such an appeal freezes action on the case until the higher court renders its decision.

The Government does not recognize the FMLN as a belligerent power and thus does not accord prisoner of war status to captured guerrillas. The armed forces are required to turn captured guerrillas over to the civilian court system for criminal prosecution.

The state of exception, which suspended some constitutional protections for certain accused criminals and instituted a parallel military judicial structure for prosecuting such individuals, was terminated in January 1987. The law detailing procedures for judicial processing of suspects in terrorism-related cases, Legislative Decree 618, was renewed

in December 1987 to permit continuation of the two such trials remaining in the military court system following the Esquipulas II amnesty: the Zona Rosa massacre and kidnaping for ransom of prominent businessmen. The kidnaping case was subsequently moved to a common criminal court. No new arrests can be made under Decree 618 unless the state of emergency is renewed.

There are no provisions for exile in the law. Naturalized citizenship can be revoked for extended residence outside the country or, in some cases, criminal convictions. Some leaders of the FMLN and the political group with which it is formally allied, the Revolutionary Democratic Front (FDR) claim to be in exile, but it is self-imposed. However, some could be subject to arrest in El Salvador for membership in guerrilla combatant organizations should they return. Nevertheless, FDR political leaders Guillermo Ungo and Reuben Zamora returned to El Salvador to participate in the democratic system without being arrested, as did Aguinada and several other political leaders of the UDN.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides that the judiciary, the Attorney General's office, and the Solicitor General's office (public defenders) are independent of the Government and each other. The Legislative Assembly chooses the Supreme Court justices for 5-year terms, and the Attorney General and Solicitor General for 3-year terms. The Constitution establishes the regular court system and provides for a special system should the Legislative Assembly enact a state of exception.

The Constitution provides that a person accused of a crime may have a lawyer present upon being arraigned, but the right is seldom used, probably because few arrestees can afford to hire a private attorney. At present, court-appointed attorneys are not available to a defendant until the investigative phase is over, and the judge determines there is sufficient evidence to enter the final, or plenary, stage of the trial. The defendant has a right to be present in court and to confront the witnesses against him. All court records of trials of adults are open to the public unless the judge rules the case is to be kept confidential. An appeal process exists and is used regularly.

Most major crimes in El Salvador are tried publicly before a 5-person jury. Jury trials resulted in a 41 percent conviction rate in the first 7 months of 1988, a significant increase over the 22 percent rate recorded in 1987. Absences of attorneys, the destruction of many court buildings in the October 1986 earthquake, and a practically nonfunctional jury identification and notification system hinder the judicial system from expeditiously processing cases. Corruption and intimidation by leftwing and rightwing extremists are also factors. As a result, only 15 percent of the 4,390 prison inmates in September were serving sentences; the rest were awaiting adjudication of their cases. Bail is available for some minor offenses but is seldom used. Prisoners are usually incarcerated for 6 to 18 months from the time they are charged until they are brought to trial, and even longer waits are common.

Historically, civilian judicial authority has not extended to the military officer corps. Although low-ranking miltary and

police officers have been discharged and turned over to the civilian courts for trial of criminal offenses, the officers of the armed and security forces are treated differently from other citizens before the law. Judges are frequently reluctant to bring charges against them, and colleagues often fail to cooperate in the prosecution of crimes imputed to a fellow officer.

No military officer has been convicted of human rights violations or any other crime in recent years. The attempt to reopen the trial against one of the former military officers who ordered the January 1981 murders of a Salvadoran and two American land reform experts failed on March 9 when the Supreme Court rejected an appeal by the prosecution to overturn a December 10, 1987 lower court ruling that the Government's amnesty applied to the case. (The amnesty was decreed in accordance with the Government's international obligations under the October 1987 Esquipulas agreement.) The Supreme Court on July 21 also upheld a controversial lower court decision to grant amnesty to the defendants, including several active duty officers, in the notorious Las Hojas massacre case.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally does not interfere arbitrarily in the personal lives of citizens, although it reserves the right to intervene when it believes national security is threatened. Both the Government and the guerrillas use networks of informants. According to the Constitution, before entering a private dwelling, the security forces must have the inhabitant's consent, a judicial warrant, or reasonable belief that a crime is being or will be committed. In practice, the security forces often use forced entry to carry out arrests and investigations. Government forces often intercept mail deliveries in zones of conflict. Wiretapping of telephone communications by the Government, the FMLN, private individuals, and political parties reportedly is widespread.

The guerrillas arbitrarily interfere widely in the lives of the inhabitants of the conflictive zones. They extract "war taxes" (consumables such as food, clothing, and medical supplies), intercept mail, and engage regularly in wiretapping. The guerrillas often force villagers to attend political meetings, and they engage in forced recruitment of combatants, laborers, and porters. FMLN committees control the villages set up by refugees who returned from camps in Honduras, just as they controlled the camps. The people usually comply with the FMLN demands, because the guerrillas regularly back up their threats by assassinating those who fail to cooperate.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no governmental restrictions on freedom of speech and the press. San Salvador, a city of 1 million, has five daily papers, five television stations, and numerous radio stations. All of the press and most of the broadcasting media are in private hands. Television and print journalism in El Salvador is flourishing; interviews feature a full range of political figures from all political viewpoints, including labor leaders, human rights activists, private sector representatives, government officials, and guerrilla commanders.

Of the leading daily newspapers, three are editorially conservative and the other two are more moderate. One of the more moderate newspapers presents a range of views from conservative to far left; it has published unedited articles from the FMLN/FDR press agencies Salpress and Notisal (which recently established a joint office in San Salvador), press releases from both liberal and pro-FMLN organizations, and a weekly supplement from the Jesuit-run University of Central America. The views of the left are also available in a variety of journals, newsletters, periodicals, bulletins, and paid advertisements in the daily press. While an 8-year-old decree forbidding publication of anonymous paid advertisements or communiques remains in effect, recent examples of such propaganda show this law to be essentially unenforced.

Television stations sell broadcast time to political and labor organizations. These paid spots are uncensored and usually broadcast live. Commercial radio stations broadcast news and propaganda reports recorded from the clandestine guerrilla radio stations or supplied by the guerrillas on cassette.

Academic freedom is protected by the Constitution and respected by the Government.

b. Freedom of Peaceful Assembly and Association

Any association not formed for criminal purposes is legal and permitted in El Salvador. Political, professional, religious, labor, and social organizations operate remarkably openly and freely, given the fact that the country is fighting a communist insurgency. Various groups from both the left and the right criticize the Government, and hold marches and demonstrations without official interference.

The FMLN seeks to manipulate labor organizations and use labor organizations as paramilitary shock troops. Marches by labor, displaced persons, and human rights organizations known to be fronts of the FMLN are frequent. Violence erupted during one such march on July 21, prompting the security forces to have large numbers of riot control police accompany subsequent demonstrations. The police did not interfere with the demonstrators, and the marches remained peaceful.

On September 13, FMLN-controlled organizations conducted marches in San Salvador and Santa Ana in coordination with a guerrilla military offensive. Government forces broke up both marches after demonstrators opened fire on the riot control troops. Demonstrators killed one policeman and wounded four in the San Salvador incident. Following the shootings, government forces detained over 200 demonstrators, collecting firearms, molotov cocktails, hand grenades, and homemade bombs from them. All but 14 of the detainees were released by the police within 72 hours; the remaining 14 were released by court order within another 72 hours.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for by the Constitution and is respected in practice. Although the country is predominantly Roman Catholic, an estimated 20 percent of the population subscribe to other faiths. Foreign and Salvadoran missionaries

generally operate freely and without harassment. Arrests of church members and employees, both Catholic and Protestant, are unrelated to religious beliefs. Several times during the year the military interfered with church-related assistance to the needy in zones of conflict, claiming it was intended for the guerrillas.

The Catholic Church continues to be one of the most influential institutions in the country. The Archbishop's Sunday homily is broadcast live from the Metropolitan Cathedral on one of the government's television stations and radio. The Archbishop on September 3 and 4 sought to sponsor a national debate on the political causes and solutions to the conflict. Many invitees declined to participate, but the session was attended by representatives of 57 organizations, most of which were critical of the Government or allied with the FMLN. Catholic Church publications disseminate the Church's position on human rights and the war. Church statements have become increasingly critical of the leftist insurgency, but the Church does not hesitate to criticize the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution establishes the right of free movement. Nevertheless, local military commanders often restrict entry to areas where military operations are under way and require that foreigners receive permission before entering combat zones. On occasion the Government has ordered foreigners out of the country when it considered they involved themselves in internal political affairs.

An estimated 155,000 persons are still displaced within El Salvador by the conflict, down from a peak of about 525,000 in 1985. Approximately 130,000 of them still receive government assistance, and another 25,000 who are not registered with the Government receive assistance from private relief organizations such as World Relief and the International Rescue Committee. Another 168,100 Salvadorans are refugees in other Central American countries and in Mexico, and more than 500,000 are estimated to be illegal immigrants in the United States.

As the level of violence falls, an increasing number of refugees are returning from abroad. More than 6,800 refugees returned from other Central American countries between 1984 and August 1986, according to the U.N. High Commissioner for Refugees (UNHCR). Since then, another 2,100 chose to leave the Mesa Grande refugee camp in Honduras, where some had been living since the beginning of the war, to return to their homes in El Salvador.

There is no evidence of a Government policy of harassment of individuals returning to El Salvador from abroad. The Intergovernmental Committee for Migration interviewed some 12,028 returnees from the United States between December 1984 and December 1987 and found no evidence of a policy of harassment. There have been no reports of comparable studies regarding returnees coming from other areas. The Government imposes no control on emigration and cooperates with international organizations that arrange Salvadorans' emigration to other countries.

The Government, with assistance from the UNHCR and the ICRC, has registered some 400 Nicaraguan refugees, although officials estimate as many as 1,500 are residing in the far southeastern

part of the country. Those refugees who are registered are free to travel within El Salvador.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

El Salvador's 1983 Constitution provides for rights and procedures by which citizens can change their government. There have been three national-level elections since 1983. On March 20, 1988, nine political parties participated in municipal and Legislative Assembly elections throughout the country. In these elections, the governing PDC lost its assembly majority to ARENA, marking the first peaceful transition of power in the Assembly from the ruling to an opposition party. The Supreme Court resolved a dispute over the allocation of one deputy's seat. ARENA won 32-seats in the 60-seat Assembly, the PDC received 22 seats, and the National Conciliation Party (PCN) won 6. None of the smaller parties that participated won enough votes to be eligible for a seat.

The FMLN refuses to participate in the electoral process, and through armed actions and threats consistently works to hinder and disrupt electoral activity. The FMLN instead calls for powersharing, whereby as an institution it would assume an unspecified degree of governmental authority and power without ever having had to participate in the electoral process.

Voting is by secret ballot. In preparation for the March 1988 elections, the Central Elections Council (CCE) distributed 1,650,000 computerized voter identification cards as a safeguard against fraud. Following the elections, the CCE resumed the registration process for those who will turn 18 years of age before the March 1989 presidential elections and for those of voting age not yet registered.

The Constitution allows all political parties that do not advocate armed opposition to the democratic system to participate in the electoral process. It establishes the right of a citizen to join any legally recognized party. In practice, even parties still linked to the FMLN have been permitted to reenter the political arena. In late 1987, leaders of the FDR (claiming that the party was not a member of the FMLN but only an ally) returned to El Salvador and formed a political coalition, the Democratic Convergence (CD), with the Social Democratic Party (PSD). The CD chose not to participate in the 1988 legislative elections, but it did announce its intention to run in the March 1989 presidential elections. In addition, self-exiled members of the UDN--the political front for the outlawed PCES--returned and successfully petitioned to reactivate its status as a legal political party. The PCES remains a member of the FMLN through its armed wing, the Armed Forces of Liberation.

Although women represent only a small minority of the upper ranks of the Government, they do fill several key elected and appointed positions: 7 of the 60 Legislative Assembly deputies are women; 2 of them are on the Assembly Board of Directors. Three vice-ministers in the Duarte administration are women. Five of the governors of El Salvador's 14 departments are women. The highest office held by a woman in recent years was president of the Legislative Assembly (Maria Julia Castillo - 1983 to 1984).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continues to be receptive to visiting groups interested in human rights. High-ranking government officials and military officers regularly meet with U.S. Congressmen, human rights organizations, church and labor groups, and others. Americas Watch and the Lawyers Committee for Human Rights maintain an office in San Salvador. The ICRC has an agreement with the Government that permits it to work in the areas of conflict to assist noncombatants, to visit prisoners and detainees accused of guerrilla activity, and to make confidential reports to the Government on human rights issues. Tutela Legal and the CDH also have access to the prisons. The U.N. Special Rapporteur on Human Rights in El Salvador made his eighth annual visit to the country in October 1988.

Domestic human rights organizations active in El Salvador include the Government's CDH, an agency which investigates complaints of human rights abuses by all parties, and Tutela Legal of the Catholic Archdiocese of San Salvador. The CDH receives testimony about human rights violations, conducts investigations, visits arrested persons, and reports to the local commanding officer and the Ministry of Defense when it discovers a case of abuse. Its doctors examine detainees to determine the validity of complaints of torture. The CDH keeps a register of persons injured by landmine explosions and is working in conjunction with aid organizations on a project to register civilian amputees and provide them with prosthetic devices.

Tutela Legal's staff visits persons detained by the security forces, carries out some on-site investigations, and receives testimony about human rights violations. Seldom using its findings to assist government authorities in prosecuting human rights offenders, Tutela Legal often declares that government-connected death squads committed a murder when the only evidence available is the body of the victim. Disputing government claims that the FMLN had murdered the FMLN human rights organization (CDHES) chief Herbert Anaya Sanabria in October 1987, for example, it claimed it had evidence that death squads were responsible but never made public its proof.

Guerrilla defectors and captured documents have demonstrated that the FMLN controls several groups that ostensibly are independent human rights organizations. These include the nongovernmental Human Rights Commission of El Salvador (CDHES), the Federation of Committees of Mothers and Families (FECMAFAM), the Committee of Mothers of Political Prisoners, Disappeared and Assassinated of El Salvador (Co-Madres), and the Christian Committee for the Displaced (CRIPDES). These groups report only on perceived abuses by government forces and refuse to investigate, acknowledge, or even record human rights abuses committed by the FMLN. Many of their reports about alleged government abuses, moreover, are highly distorted versions of the facts or, on occasion, are fabrications. They continue to operate freely. Although some individual members were arrested during 1988 and charged with guerrilla membership or activities, all were subsequently released by the security services or the courts.

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The Salvadoran Association for Human Rights (ASPRODERH), founded by a group of FMLN defectors who had worked in the CDHES and Co-Madres on behalf of the FMLN, was formed in 1987. It has not been particularly active in 1988. The Lutheran Church, the National Association of Indigenous Persons (ANIS), the National Union of Workers and Peasants (UNOC), and other nongovernmental organizations also have human rights and legal assistance offices.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

El Salvador is ethnically homogeneous, though a small segment of the population claims to have descended solely from the region's indigenous Indians. There is no official discrimination against these Indians, but there have been disputes over Indian land ownership.

Under the Constitution, women enjoy the same legal rights as men. Women are represented in limited numbers in all three branches of government, in business, and in the professions. In the Armed Forces, women serve as nurses and in administration and intelligence; the security services have a limited number of policewomen. A high proportion of women in the lower economic strata are heads of single parent households, often providing for large families. In general, women tend to occupy jobs at the lower end of the economic scale, and, outside the Government, women's wages tend to be lower than those of men for equivalent work.

Section 6 Worker Rights

a. The Right of Association

Article 47 of the Constitution prohibits the Government from using nationality, sex, race, creed, or political philosophy to prevent workers or employers from organizing themselves into unions or associations. This Constitutional provision was intended to provide the legal framework for secondary legislation, including a revised labor code. Legislative action has been stymied, however, because of a lack of consensus between government, the private sector, and labor. Five separate proposals for revising the code have been drafted since 1985, and none of these have been formally submitted to the Legislative Assembly. Thus, there remains in place a confusing and sometimes conflicting set of laws governing labor relations. Despite the inconsistencies in law, existing statutes do provide protections which are enforceable under the Constitution.

Legally, only private sector workers have the right to form unions and to strike. Employees of the nine autonomous government entities may form unions but are barred from striking. Finally, the labor code bars agricultural workers and employees of government ministries and departments from forming unions or striking. These employees are instead represented by associations whose function is similar to that of unions.

There are approximately 150 trade unions, employees associations, and peasant organizations currently active, with a combined membership of just over 400,000--roughly 20 percent of the work force. As noted by the International Labor Organizations's (ILO) Committee on Freedom of Association during its Direct Contacts Mission to El Salvador in January

1986, these organizations span the political spectrum and play an active role in El Salvador. The Ministry of Labor counts 100 actual trade unions, representing approximately 100,000 workers; the balance of the organized work force belongs to farmworker or government employee associations. These organizations freely elect their officers in accordance with their individual constitutions and bylaws. Leaders of worker organizations appear regularly on television, publicize their views in the country's major newspapers, and conduct seminars on various issues without government interference.

Since 1980, there has been only one instance where recognition of a union or association was withdrawn "for cause." This was in the case of the Union of Workers for the Rio Lempa Hydroelectric Project (STECEL) which, acting in concert with the FMLN, cut off electricity to most parts of El Salvador, causing several deaths and significant economic damage.

Twice since 1986 the Salvadoran Supreme Court has reaffirmed constitutional safeguards protecting trade unions, worker associations, peasant organizations and their leaders from arbitrary and capricious behavior by management and/or the Government. In March 1986, the court ruled unconstitutional a July 1985 decision by the Labor Ministry which had stripped 11 leaders of the Sewer and Waterworks Union (SETA) of their positions because they disobeyed a labor judge's order to end a strike. The Court held that union leaders cannot be deprived of their leadership status because such status derives from union elections. In August 1987, the Supreme Court similarly overturned an order of the Ministry of Interior which had divested leaders of the ANIS, a peasant association, of their positions. The Court voided the Ministry's order, reinstated the leaders, and ruled that the Minister of Interior was liable for civil damages for having exceeded his authority.

The right to strike for the private sector is provided for by law and is freely exercised in practice. There were 33 private sector strikes during the period June 1, 1987 to May 31, 1988, affecting 4,000 workers. The Ministry of Labor intervened, as set forth in legislation, and the strikes were resolved. The absence of specific laws granting workers in autonomous government institutions as well as public employees the right to strike has not deterred strike activity. For example, more than 8,000 public employees affiliated with the Salvadoran Worker's Central (CTS) walked off their jobs at the Ministries of Public Works and Agriculture in May 1988, demanding a pay increase and other benefits. The CTS members remained off their jobs until the Government agreed to reopen negotiations on their demands.

The ILO's Committee of Freedom of Association has reviewed allegations of the murder, detention, and intimidation of some trade unionists and other antiunion actions over the past few years. The ILO regards the climate of violence and insecurity engendered by the existence of a guerrilla insurgency as an obstacle to the exercise of trade union rights. In 1988 the committee reached interim conclusions regarding some of these cases, and asked the Government to take appropriate steps.

FMLN-linked labor organizations seek to use ostensibly peaceful dissent to provoke government actions, then level charges of workers' rights violations when the Government maintains order. The FMLN seeks to disrupt and subvert democratic labor groups that refuse to collaborate, and it uses occasional traffic stoppages to shut down the economy and force

workers to stay away from their places of employment. These actions constitute a perversion of legitimate trade union activity which harms both organized and unorganized labor.

Labor unions are not restricted from affiliations with international labor organizations, and Salvadoran unions freely affiliate with such groups. The Secretary General of the General Confederation of Workers (CGT), the major affiliate of the democratic-labor umbrella organization UNOC, represented Salvadoran Democratic Labor at the ILO's 1987 and 1988 conferences.

b. The Right to Organize and Bargain Collectively

The right of collective bargaining is granted in Article 39 of the Constitution and Article 269 of the labor code. Under the labor code, only private sector workers can exercise this right, but the Constitution is interpreted broadly to provide all workers the right to bargain collectively.

Private sector unions use the mechanism of collective bargaining extensively. Approximately 53 collective-bargaining agreements covering private sector employees were certified by the Ministry of Labor between June 1, 1987, and May 31, 1988. According to ministry statistics, these 53 contracts covered approximately 44,250 workers. Nearly 60 percent of the collective bargaining agreements certified since June 1984 were contracts for unions affiliated to antigovernment labor organizations. A similar collective bargaining practice is also followed, albeit in a more informal manner, between public employees and the Government.

The Director-General's office (DGT) of the Ministry of Labor is responsible for overseeing the implementation of collective bargaining agreements and acting as conciliator in labor-related disputes in the private sector and in autonomous goverment institutions. According to the Ministry's latest report, covering the period from June 1, 1987, to May 31, 1988, the DGT participated directly in 403 labor-management conflicts, including 33 strikes. Approximately 250 were resolved through direct conciliation.

Article 47 of the Constitution states that union officials at the time of their election, throughout their term, and for one year following their term shall not be fired, suspended for disciplinary reasons, removed, or debased in their work conditions except for legal cause. This provision is generally observed in practice.

The relationship between the business community and the labor movement has gradually improved over the last few years, but a large reservoir of mistrust remains. Businessmen frequently take measures to prevent unions from being formed. The DGT took steps against such offenders in 1988, and 7 new unions as well as 22 union locals were given legal recognition, some of them in enterprises where management had fought to keep them out.

El Salvador has one export processing zone. There are no differences in labor regulations in this area and those which prevail in general. However, there are no labor unions represented at present in any of the firms in this zone, and the firms discourage labor organizing.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor except in cases of public calamity and other instances specifically determined by law.

The ILO's Committee of Experts on the Application of Conventions has for a number of years reviewing the provisions in the penal code that allow the imposition of sentences involving compulsory labor. In 1988 it provided the Government with suggestions on how to improve existing legislation and practice. The FMLN continues to force civilians, including minors, to serve as porters, spotters, and couriers for the guerrilla army.

d. Minimum Age for Employment of Children

The Constitution prohibits the employment of children under the age of 14. The labor code states that exceptions can be made only in cases where it can be demonstrated that such employment is absolutely indispensable to the sustenance of the minor and his family. This is most often the case with children of peasant families who traditionally work with their families during planting and harvesting seasons.

The Constitution also prohibits the employment of persons under 18 and all women in occupations considered dangerous.

e. Acceptable Conditions of Work

The Government's National Minimum Wage Council recommended an average 25 percent wage increase for commercial, industrial, service, and agroindustrial employees in May 1988. On May 21, 1988, President Duarte signed a decree raising the minimum wage. Commercial as well as industrial and service workers in San Salvador were paid $3.60 daily, while their counterparts in other areas of the country received $3.40. Agroindustrial workers employed in the cotton and sugar industries received $2.20, while those employed in the coffee industry earned $3.40. The increase in the daily minimum wage was intended to offset higher food prices, which rose sharply due to supply shortages stemming from prolonged drought. Wage rates for most categories of workers are higher than the legal minimums, especially in the private sector. For the most part, minimum wages are inadequate to meet the Ministry of Economy's standard of basic necessity, in which a family unit of five persons requires a monthly income of $282.

The law limits hours of work for minors between 14 and 18 years of age to a maximum of 6 per day, while for adults it is 8. Premium pay is mandated for longer hours.

The Constitution and the labor code spell out the rights of workers to a healthy and safe working environment. These statutes require employers, including the Government, to take steps to ensure that employees are not placed at risk in their workplaces. Despite limited budgetary resources, the Ministry of Labor attempted to enforce the applicable regulations. According to ministry figures, the inspector general's office conducted approximately 29,000 inspections and reinspections between June 1, 1987, and May 31, 1988. Roughly 27,000 of these occurred in commercial, industrial, and service establishments. The total number of employees covered by these inspections and reinspections was nearly 550,000. The

inspector-general's corps cited employers for almost 8,000 infractions and assessed fines totaling $45,000. Employers were also ordered to pay approximately $195,000 to employees as compensation for injuries sustained on their jobs.

GRENADA

A member of the British Commonwealth, Grenada's parliamentary system in which a Governor General is titular head of state, was suspended in 1979 by the Marxist People's Revolutionary Government (PRG) and then restored in October 1983. The New National Party (NNP), which won free and fair elections in 1984, continues in power. Political and civil rights are provided for by the Constitution, although the Emergency Powers Act of 1987 gives the Government authority to suspend most civil rights should the Governor General declare a state of national emergency. Opposition politicians objected strenuously to the Act, implying that the Government already had sufficient control by dominating both Parliament and the media. The Government argued that similar legislation exists elsewhere in the Commonwealth and that the Act was part of an ongoing effort to reinstitute protective measures for society. The provisions of the Act have never been applied.

Security in Grenada is maintained by the 600-strong Royal Grenada Police Force, which includes a 75-man paramilitary Special Services Unit and a 30-man coast guard unit.

Since the fall of the PRG in 1983, the country has made major strides in improving its infrastructure and has enjoyed healthy economic growth, averaging 5 percent annually in real terms. Economic development has been spurred by production gains in agriculture, construction, tourism, transportation, and communications. Return of Grenadian capital and substantial economic assistance following restoration of democratic government in 1983 have also helped. Grenadians enjoy substantial freedom to pursue economic goals in a free market environment.

Grenada's overall human rights record remained good during 1988.

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture, and there were no reported incidents of such abuse. Allegations of beatings by prison officials were raised in December by four of the people convicted of the murder of Maurice Bishop and others. Government officials maintained that the prisoners were injured as a consequence of prison officials reasserting discipline over the unruly prisoners.

The prisoners also alleged they were denied private independent medical examinations. The Government asserted that the prisoners received prompt attention from prison doctors and ultimately were examined by a private doctor.

d. Arbitrary Arrest, Detention, or Exile

Grenadian police have the right under law to detain persons on suspicion without a warrant, but formal charges must be brought within 48 hours. This legal time limit is adhered to in practice. If the detainee is not charged within this time, he must be released. In 1988 no one was detained for political reasons.

The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. Formal arraignment or release of the arrestee must be determined within 60 days. These procedures were generally followed.

There is a functioning system of bail, although those charged with capital offenses are not eligible. Persons charged with treason can only be accorded bail upon recommendation of the Governor General.

No Grenadian citizen was exiled in 1988. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to fair public trial is provided for by law and is observed in practice. Those arrested and charged are brought before an independent judiciary and are allowed access to a lawyer of their choice. For capital crimes, the courts appoint lawyers when the accused cannot pay for his defense. In other cases, the defendant is assigned counsel if the case reaches the appellate stage. Following a determination by a judicial hearing that there is sufficient evidence to substantiate a criminal charge, the defendant is remanded for trial. Due to the backlog of cases caused by a lack of judges and court facilities, a significant amount of time can pass before those charged are brought to trial.

The Government has taken particular care to afford a fair public trial, including a lengthy appeal process in the case of former People's Revolutionary Government and Army officials convicted of the murder of Maurice Bishop and 10 others on October 19, 1983. The defendants were sentenced to death or long prison terms. A three-member panel of Caribbean jurists is currently hearing the 32-count appeal, which began in 1987.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is no arbitrary interference in a person's private life. Warrants for searching homes are normally required by law except in cases of hot pursuit. In practice, warrants are obtained in the majority of cases before a search is conducted. There were no reports of arbitrary monitoring of telephones or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for by the Constitution and freely exercised. There are five weekly newspapers and several other papers published irregularly. Most of the papers are affiliated with political parties, but the two most widely circulated newspapers are independent.

Flyers are occasionally distributed by remnants of the Revolutionary Military Council and the New Jewel Movement.

Grenada has one government-operated radio station. There are no regulations regarding equal access to the radio station by opposition political parties. In practice, the official opposition party was given occasional air time, but there were complaints that the time given was inadequate. Also, there have been complaints dating to 1985 that the Government has impeded the licensing of a private radio station. In May 1988, charges of operating a station without a license that had been brought against the station's owners were dropped, but the radio equipment was not released from police custody. A counter-suit for damages is currently before the court.

The Government retained the Calypso Censorship Committee, set up in 1987 to censor Calypso songs submitted for airing over the government-controlled radio station. The Committee, which was asked to eliminate those songs which were vulgar, libelous, or politically sensitive, largely replicated existing censorship responsibilities at the radio station. There were no appreciable complaints from the press or Calypsonians in 1988, following strong criticism in 1987. There were no reports of any Calypsos being banned for political reasons, and antigovernment Calypsos were heard regularly over the radio during the Carnival season.

In October the Government seized four cartons of books imported in connection with memorial services for former Prime Minister Maurice Bishop. Citing national security as the grounds for the seizure, the Government pointed out that the Constitution allows limitations on freedom of speech and the press when reasonably required to defend the nation and/or to safeguard public safety, order, morality, and health. Pending a final decision, the confiscated books remain in police custody.

b. Freedom of Peaceful Assembly and Association

Grenadians enjoy the right to assemble for any peaceful purpose, including the public protest of policies or actions of the Government. Supporters of political parties, including those which were in power prior to October 1983, meet frequently and hold public rallies. There are no controls on private or public associations, and permits are not required for public meetings.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

All groups enjoy freedom of religion. The Roman Catholic and Anglican faiths predominate, but there are many Presbyterian and Methodist as well as Evangelical church members. In addition, there is a small Baha'i community and an Islamic center which serves the Muslim community. Complete religious freedom extends to the Rastafarians, who were harassed under the PRG regime. Clergy, including missionaries, travel and prosyletize freely. No apparent advantages or disadvantages are conferred by adherence to a particular faith, although Christian prayers and hymns form part of many governmental and political meetings. Representatives of the Mormon church are free to travel to and proselytize in Grenada. There have been no further repercussions following the deportation of an

American Mormon couple in September 1987 for violation of immigration laws. The deportation had followed an unsuccessful meeting between the couple and Grenadian officials aimed at clarifying both their immigration status and the Mormon church's teachings on certain racial matters. Although Grenadian officials were eventually satisfied that there is nothing malevolent about the church's present position on race, they were not sympathetic to a request for a prolongation of the couple's temporary visitor's status.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within Grenada and, in principle, the right to enter and leave the country is guaranteed to all Grenadian citizens, except in special circumstances as outlined and limited by the Act to Restrict the Freedom of Movement of Certain Persons, passed in 1986. The law allows the minister responsible for national security to restrict travel out of Grenada of any person whose aims, tendencies, or objectives include the overthrow of the democratic and parliamentary system of government. Anyone so restricted may appeal after 3 months to an independent and impartial tribunal presided over by an accredited lawyer chosen by the Chief Justice. The law was enacted after the Grenadian Appeals Court upheld a government action withholding the passport of a former member of the PRG who sought to leave the country in 1985. There were no reported cases of this law being applied in 1988.

No one was forcibly repatriated to Grenada in 1987, and there were no official applications for refugee status. The Government has allowed students and others to return from Cuba and other Communist countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for free and fair elections to be held at least every 5 years. The majority party in Parliament is the New National Party (NNP), led by Prime Minister Herbert Blaize. Formed by the union of 3 parties to contest the December 1984 elections, the NNP won 14 of the 15 Parliamentary seats in an election in which 85 percent of the voters participated. The NNP's majority was reduced to 9 after the resignation of 2 members in 1986, and further defections in 1987 left the NNP with a 9 to 6 majority. These defections were followed in 1987 by the establishment of a new national opposition party, the National Democratic Congress (NDC), composed of the five defectors plus the original one opposition Parliamentarian. The spectrum of political parties ranges from the moderate NNP and the NDC to the Marxist Maurice Bishop Patriotic Movement (MBPM), organized by the pro-Bishop survivors of the October 19, 1983, anti-Bishop coup, and the Grenada United Labor Party (GULP) of former Prime Minister Sir Eric Gairy. These parties actively espouse their views and seek support from the electorate.

Constitutionally, Parliament must dissolve no later than December 1989, and elections must be held no later than the spring of 1990. Local government elections promised by the NNP in the campaign remain a topic of public debate but have yet to be held. The political system is not dominated by any particular ethnic group, nor are there any restrictions which limit participation of any elements of the Grenadian

population. Women are a clear minority in political life, although two members of Parliament are women. They are both junior ministers in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The present Government has welcomed visits of several human rights organizations in the past, including Amnesty International. In August the Government participated in a symposium on human rights cosponsored by the Caribbean Institute for the Promotion of Human Rights (CARICARE) and the Inter-American Commission on Human Rights. CARICARE is active in Grenada. It has called on the Government to recognize and accept the jurisdiction of the Inter-American Court of Justice.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no evidence of official discrimination in health care, employment, or education. There have been some reported incidents of unofficial job discrimination against Guyanese and other foreign-born residents. Women frequently earn less than men performing the same work and tend to occupy jobs which pay less. Wage differences are less prevalent for more highly paid jobs, but there are fewer women in such positions. A notable exception is the civil service where women account for a substantial percentage of the work force up to and including the Permanent Secretary/Department Headlevel. There are a few women in important positions in the private sector, including a female president of the Grenada Manufacturing Association.

Section 6 Worker Rights

a. The Right of Association

Workers are free to organize independent labor unions. Workers in the public as well as private sector can and do strike legally if they give advance notification. Parliament is considering legislation which would limit the ability to strike in essential services, but that legislation includes provisions for binding arbitration by a tribunal which could include arbitrators nominated by labor. Union leaders play a significant role in the political process, and one labor leader serves in the Senate at the nomination of the governing party. In 1988 all unions were free of government control, and none was given government support.

b. The Right to Organize and Bargain Collectively

Workers are free to participate in collective bargaining. Legislation compels employers to recognize a union which represents the majority of workers in that particular business. Labor Ministry officials estimate approximately 25 percent of the total work force is unionized, although this figure may be low.

There are no areas in which union organization and collective bargaining are discouraged or impeded by the Government, including export processing zones.

GRENADA

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced labor, and no such incidents were reported in 1988.

d. Minimum Age for Employment of Children

The statutory minimum age for employment in all sectors is 16. It is observed in practice in the industrial sector, although younger persons typically work on family farms or in family-run shops.

e. Acceptable Conditions of Work

There is no effective regulation of work hours, wages, or occupational safety standards, but normal work hours rarely exceed 40 hours per week. The Government's own wage rate and vacation allowances are comparable to those in the rest of the Eastern Caribbean; and common law allows employers to be sued for negligence.

GUATEMALA

The Guatemalan Constitution which took effect in January 1986 provides for a democratically elected president, a 100-member unicameral legislature, and an independent judiciary. Free and fair elections brought a civilian government to office in January 1986, and nationwide municipal elections were held in April 1988. Elements across the political spectrum are represented in Guatemalan politics, and the Government and its policies are widely criticized.

Since August 1988, the Ministries of Interior and Defense have begun to coordinate the efforts of their three separate security forces under a Civil Protection System (SIPROCI). Members of the security forces work together in combined or coordinated operations to combat common crime and threats to national security. The National Police and the Treasury Police are under the jurisdiction of the Ministry of Interior. The Ministry of Defense controls the Mobile Military Police.

Changes in the judiciary and the police, as well as increased professionalism in the military, have had a positive impact on respect for human rights. The Government has demonstrated a commitment to reducing human rights violations by the security forces by prosecuting members of the National Police and ex-members of civil defense patrols who committed abuses. The Guatemalan military pursued violators of the law and punished them through courts martial or administrative sanctions, for crimes ranging from rebellion to homicide.

An economic recovery begun in 1987 translated into slightly higher per capita incomes for Guatemalans in 1988, as moderate growth continued. Estimates indicate unemployment has fallen steadily since 1986. Despite higher government outlays, the budget deficit was modest, and inflation was under control. A history of a badly skewed income distribution and of past inattention to needed social services has slowed the spread of the benefits of the economic recovery to lower income groups.

Despite deep social divisions and a history of violent resolution of disputes, adherence to democratic principles continued to improve. The situation at year's end had improved both economically and politically, since 1986 when the elected civilian government took office. The generally free environment encouraged the broader exercise of individual rights. Most Guatemalans, including the leadership of the armed forces, rejected an attempt by dissident officers to overthrow the Government in May 1988. Although the Government undertook prosecution of both civilian and military participants in the coup attempt, the Congress subsequently enacted an amnesty law, primarily directed at the decades-old armed insurgency, which covered all the participants in the abortive coup. However, most of the military participants were dismissed from active duty or reassigned to positions of little consequence. The number of violent crimes reported rose noticeably over the last year, but there was no evidence that the Government pursued a policy of political killing.

The overall improved human rights climate was reflected in the return to Guatemala of a growing number of self-exiles during the year. Two leftist leaders of the United Representation of the Guatemalan Opposition (RUOG), Rigoberta Menchu and Rolando Castillo, visited Guatemala.

GUATEMALA

The United Nations advisory expert for Guatemala, Hector Gross Espiel, who is also a judge of the Inter-American Court of Human Rights, noted progress in the human rights situation, and found no evidence of Government policy condoning human rights violations. He concluded that the abuses which still occur are a product of criminal activity in the country. The annual report of the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) concluded that although violations of the right to life remain alarmingly great, it also observed in many respects major progress in the human rights area.

Important human rights problems remain in Guatemala, involving the use of force and abuses by political extremists and some individual and former members of the security forces. These problems are aggravated by a legacy of violence, vigilante justice, and rising crime, with which the judiciary and democratic institutions have thus far developed only a limited capacity to cope.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The level of known killings in which a political motive could not be ruled out remained unchanged in 1988, reaching 44 for the months January through June--and is a dramatic decline from the high levels of political killing in the early 1980's. It is not known how many of these deaths were, in fact, politically motivated or, if so, which group or faction was responsible. Homicides attributed to common crime, including cases of suspected vigilante justice by private citizens, continued at a high rate in 1988. National Police statistics showed an average of 188 killings each month. Differentiating cases of common crime from those that are politically motivated is often difficult.

A prominent example is the September 11 confrontation of land reform advocate Father Andre Giron and three companions with 30 to 35 heavily armed men on an isolated road. Giron's bodyguard was shot and killed, but Giron was allowed to continue unharmed. The identity and motive of the attackers was not established. Human rights activists assert that the murder was designed to intimidate followers of Father Giron. The case remains unresolved.

The Government continued its efforts to eliminate official involvement in political killings through reorganization and improved training of police and military forces, and also by prosecuting military and police officers on criminal charges.

The former chief of police of Quetzaltenango, Catalino Valiente Alonso, and seven former police officers were found guilty on July 22 and sentenced to 30 years in prison for the October 1987 kidnaping and murder of university student leaders Danilo Sergio Alvarado Mejia and Rene Haroldo Leiva Cayax.

Two former commanders of the civil defense patrol of Chijtinimit in Chichicastenango, El Quiche, Miguel Batz Aj and Manuel Guarcas Colaj were charged with the 1983 murders of 23 persons described as former guerrillas who had obtained amnesty. The Congressionally appointed Human Rights Ombudsman

investigated the massacre based on a formal complaint submitted to his office by a member of the Mutual Support Group (GAM), a group of relatives of missing persons. A mass grave was uncovered in February by the Office of the Ombudsman. After lengthy judicial procedures, the two were found not guilty for lack of evidence by the Quetzaltenango Appeals Court on Novembver 17.

Allegations of death-squad type activities in 1988 continued, with press reports indicating that the activity of ultraright terrorist groups has been increasing. The number of reported kidnapings and murders in which there are similarities to death-squad methods of previous years has been rising. The Government denies any military or police involvement in death-squad like killings.

A Christian Democratic mayor of Quezaltepeque, Chiquimula was ambushed and shot dead by three masked men in October after only 2 1/2 months in office. The mayor, Francisco Javier Landaverry Guerra, had previously served in that office during 1980-1982 as a member of the rightwing MLN party. The Government is investigating and has not ruled out political motives.

Eusebio Ajcalon Piof and Domingo Ajcalon Matzul were reportedly abducted on the evening of May 29 by two armed men in olive green uniforms. Early on May 30, the bodies of the two men were found on the land of Jose Yot in the small village of Mocolixot, Patzun. Eusebio Ajcalon had been a member of the local development council in Mocolixot Bajo, and some people assert he was politically active in his community. The murders remain unsolved.

Twenty-two villagers from San Andres Itzapa were kidnaped and executed between November 22 and 24, apparently by the leftist insurgent Revolutionary Organization of the People in Arms (ORPA). The motive for the killings remains undetermined. The bodies of a civilan assistant to the Military Commissioner of Chimaltenango, who had disappeared while looking for a stray animal, and relatives and friends who had gone to search for him, were found in communal graves. The corpses reportedly showed signs of strangulation and torture. Members of the villagers' search party who managed to escape the guerrillas stated that ORPA was responsible for the killings. On November 27, the Government denounced the brutal massacre and called upon the international community to condemn the guerrillas. From their headquarters in Mexico City, the insurgents' propaganda organ CERIGUA denied that that ORPA was responsible and alleged that the military carried out the massacre. Nevertheless, on November 28, in a press release from Mexico City, CERIGUA claimed that ORPA had inflicted 25 casualties on the Guatemalan Army in two ambushes carried out one after another at San Andres Itzapa, Chimaltenango military zone on November 25. The guerrillas' report tracks closely with the facts of the massacre.

b. Disappearance

Although disappearances occured in Guatemala in 1988 at a rate greatly reduced from that of the early 1980's, the National Police still reported an average of 27 kidnapings per month, nearly three times the rate at which kidnapings were reported during the previous 2 years. Almost 50 percent involved persons under the age of 16, a phenomenon that has swelled the number of disappeared since the last quarter of 1987. While

some of the kidnapings are presumed to have been politically motivated, this alarming increase, particularly in the 16 and under age group, appears to reflect an increase in kidnaping for profit.

Among notable disappearances were those in February of Remigio Gomez Quisquina, his four brothers, his father, a cousin, and a friend in San Lucas Toliman. They never returned after allegedly going out to look for firewood. Reportedly the family first believed that they had been abducted by the military, but they later thought that the guerrillas, who were known to be looking for recruits in that area, may have waylaid the men. The disappearances remained unsolved.

Particularly troublesome cases were the following: Ana Elizabeth Paniagua Morales was abducted in Guatemala City on February 9 by three men in jogging outfits who forced her into a white van. Her body was found with knife wounds 2 days later. The National Police announced that Ms. Paniagua had a prison record for crimes such as assault, robbery, and murder. They also noted that her family was not cooperating with the police investigation. In a case of similar modus operandi, University of San Carlos agronomy student Jose Albino Grijalva Estevez was kidnaped at a bus stop in Guatemala City on February 16 and taken away, also in a white van. His body was found with knife and gunshot wounds the next day in Barberena, Santa Rosa. The GAM denounced both murders and seized on the cases as examples of officially sponsored violence. In June the National Police presented documentation to the courts which alleged that Treasury Police agents were responsible for these abductions and murders, as well as others. The accused were subsequently released from pretrial custody by the presiding judge, purportedly for lack of evidence. These cases remain unsolved. Little information concerning further police investigation has come to light.

The judge presiding over the Paniagua and Grijalva abductions and murders was himself detained. Judge Anibal Trejo Duque and Carlos Moran Arriaga were abducted on July 20. The discovery of Trejo's abandoned vehicle led to an investigation of the apparent kidnaping. Moran was found dead on the morning of July 22. Trejo was freed that evening and stated that his captors did not ask him any questions about the case he was prosecuting, though some observers believe the abduction was related to the case. Trejo reported that he was treated well and told that his abduction was a mistake. He also insisted that Moran was not with him when he was abducted. Shortly thereafter Judge Trejo released all the accused Treasury Police agents from pretrial custody.

On July 1, during her first visit back to Guatemala in 7 years, Maria Elena Gaspar Xuncax, a Kanjobal Indian who is a legal permanent resident of the United States, was detained by uniformed police officers. She had been denounced as an active guerrilla by a villager in Barrillas, Huehuetenango. According to her own account of the incident, she was taken by plainclothesmen to a nearby military camp and allegedly threatened during repeated interrogations. Ms. Gaspar was freed on July 6, and the military brought her back to San Miguel, where she had been staying with relatives. Her family in Barillas had received no confirmation of her whereabouts. According to government sources, the army formally apologized to Ms. Gaspar stating that the case was one of mistaken identity. Ms. Gaspar had no further problems during the remainder of her visit to Guatemala.

Salvadoran citizen Rafael Vega Castillo disappeared in January after driving into Guatemala and carrying a large amount of currency with which to purchase computer equipment. Police agents privately told the Vega family that he was seen in a military police prison, where he was held under another name. Military authorities deny that he was ever held by them. The National Police report that the bodies of Vega and another man were found on February 18 in Esquintla. Vega died from a head fracture and a gunshot wound. Vega was positively identifed on March 17 by his uncle, with whom he had lived in El Salvador. This case remains unsolved.

Efforts to locate or account for missing persons from previous years continued in 1988. GAM is the most vocal private Guatemalan organization to demand investigation into these disappearances. The Office of the Human Rights Ombudsman, in operation since August 1987, continued to investigate alleged human rights abuses, including disappearances. It is expected to issue a report in January 1989. Similar concern was expressed by the Inter-American Commission on Human Rights.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

During 1988 reports of torture attributable to the military or police forces were infrequent. The National Police, under the coordination of the Interior Ministry, have stated that they are attempting to end all such abuses. Through training and foreign assistance programs from several countries, including the United States, Spain, Venezuela, and the Federal Republic of Germany, the National Police have begun to be professionalized through improved investigative and forensic laboratory techniques. There have been some cases of prisoners being murdered while they are in prison, but the Government has not been blamed for them.

The case of Antonio Melendez Bouscayrol, detained by police on May 23 for allegedly shooting a police officer in Guatemala City, was significant to the issue of abuse. After his detention in the National Police's Seventh Precinct, Melendez died from cranial trauma. The Seventh Precinct attempted to cover up the crime by stating that Melendez had been found dead by police agents. Subsequent investigation by the National Police determined that Melendez died as a result of violence, and six police agents and the subchief of the Seventh Precinct were arrested. On two occasions, the latest being December 27, the Guatemalan courts have ruled that there is sufficient evidence to justify the continued detention of five of the policemen charged. Determination of their guilt or innocence was expected to be made in January 1989.

d. Arbitrary Arrest, Detention, or Exile

Allegations of arbitrary arrest are infrequent in Guatemala. Under the Constitution, a person cannot be held for more than 6 hours without being brought before a judge and formally charged with a crime.

Other procedural safeguards include the need for an arrest warrant from the criminal court where the accusation is presented when the accused is not apprehended in the actual commission of a crime. The law also stipulates that the time limit for incarceration during completion of the investigatory phase and sustainment or dropping of the charge is 20 days. Additionally, the law incorporates a constitutional protection

against illegal detention and requires the personal appearance of any person who is illegally detained or whose freedom is threatened in any way. These safeguards are generally observed.

Involuntary exile is not used as a punishment by the Government, and there have been no known instances in which government critics were arrested for political reasons. There were no known cases in 1988 of persons being imprisoned for political reasons or for nonviolent exercise of basic human rights.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, operating under the civil law tradition, and strengthens the judiciary's independence by allotting it a set percentage of the national budget. In practice, however, such a budgetary level is not always reached. The Constitution establishes a Supreme Court, a Court of Appeals and several courts of particular jurisdiction. Civilians are subject to the formal civilian judicial system; military courts have jurisdiction only over military personnel. Despite government attempts to strengthen the judicial system, it still shows some vestiges of the inefficiency, corruption, and intimidation by outside elements that has characterized it in the past.

All accused are allowed a public trial, once the investigatory phase is complete. The right to legal counsel is provided for by law and made available by the State to indigents. State funded legal services are usually provided by law students. Since the majority of the nation's lawyers live in or near Guatemala city, it is sometimes difficult to obtain legal counsel in the countryside. Defendants may be released at the discretion of the magistrate after posting bail. Cumbersome judicial machinery results in many defendants spending several months in prison before their cases are brought to trial. All cases are granted an automatic appeal upon conviction and reviewed in the Court of Appeals.

The Guatemalan judiciary is working to improve the effectiveness of its legal system and to acquire needed training and equipment, with the assistance of the U.N. Institute for the Prevention of Crime and Treatment of Criminals (ILANUD) and other donors.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, personal correspondence, and private papers. Instances of authorities violating the privacy of the home and engaging in criminal acts against individuals and property are isolated.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression. Guatemala's print and broadcast media actively criticize the Government and leading civilian officials. Newspapers carry paid advertisements placed by the illegal Communist Party and the umbrella guerrilla group that is

waging war against the Government. Guerrilla press releases provide the insurgent version of clashes with the military, and in-depth interviews with guerrilla leaders have recently appeared in the nation's leading print media.

Despite the more open atmosphere, journalists continue to exercise a degree of self-censorship in reporting on military matters and personalities. Media organs that have given interview space to guerrilla leaders have been careful to give equal time to army spokesmen. Journalists remain wary of investigating charges of malfeasance or corruption in the military. The last year has seen increased tension between the Government and much of the nation's news media. Extremely jealous of their prerogatives, the media are quick to react to anything they interpret as pressure from the Government.

In the wake of the failed May 11 coup attempt, a number of incidents occurred that ran counter to the general tendency towards greater freedom of expression. These events raised questions about the Government's ability to maintain and guarantee the progress made towards greater openness. In late May, the Government closed one of the nation's four commercial television channels which carried a stridently antigovernment news program run by an unsuccessful 1985 presidential candidate. The courts ordered the station to be allowed back on the air after a 12-day period. The Government complied and the news program was broadcast for a few days until its contract with the television channel expired in early June. The news program's management charged that its contract was not renewed due to government pressures on the channel's management. Both the channel and the Government deny this charge.

On May 19 the residence/office of the representative of the Soviet news agency Tass was damaged by a terrorist bomb attack. The Tass representative left Guatemala shortly after this attack, and the representative of the Cuban news agency Prensa Latina closed his office about the same time, reportedly after receiving death threats. While Tass and Prensa Latina representatives have traveled to Guatemala on trips subsequently, neither organization has reopened its office there.

On June 10 a left-leaning weekly newspaper, La Epoca, was the object of a predawn terrorist bomb attack. The attack, conducted against the newspaper's editorial and administrative offices, was also aimed at the ACEN-SIAG news agency, an organization owned and operated by the same persons who publish La Epoca. A witness to the attack was kidnaped, held and interrogated by the bombers for 30 hours. Although material damage was extensive, no one was seriously injured. The Government condemned the attack, and the director of the Government's daily newspaper publicly offered the temporary use of its facilities to insure no break in publication. La Epoca's publisher, after vowing to reopen immediately, changed his mind and left the country. He attributed his change of heart to death threats directed at him and the members of his staff. He publicly charged "elements of the state security apparatus" for the attack. Although no evidence was produced to prove this accusation, it is widely believed by local observers. The publisher returned to Guatemala in September.

Foreign films, books, magazines, and newspapers circulate freely in Guatemala. The Government does not jam foreign

radio or television broadcasts. Foreign correspondents are able to report without government interference.

b. Freedom of Peaceful Assembly and Association

The rights of peaceful assembly and political association are provided for in the Constitution, and the Government attempts to assure that these rights are exercised freely. According to the Constitution, the Government must grant formal organizations the legal status which is common in Latin America, but the lack of such status has not been an impediment to peaceful association. Organizations without legal status function freely, and the Government meets with their representatives.

Leftist leaders who maintain ties with guerrilla support groups outside the country returned to Guatemala in April, and they were allowed to address public rallies and march in the May Day parade. Despite provocations during the parade, the police acted with restraint and, as in other public demonstrations during the past 3 years, the parade ended peacefully.

On September 2, a bomb exploded on the campus of the Catholic University. There were no injuries. A previously unknown terrorist group claimed responsibility for the blast, which was widely viewed as a rightwing response to an announced seminar on liberation theology. The Government condemned the attack.

International groups who have investigated human rights practices in Guatemala allege that opposition leaders have been subject to harrassment and violence. However, there have been major improvements in this regard since Guatemala established a democratic government. The Union of Guatemalan Workers' Unions (UNSITRAGUA), a labor confederation which is the heir to an organization which sent recruits to the guerrillas in the 1970's, emerged with a clandestine leadership in the mid-1980's. In 1988, its leaders held public meetings and filmed press conferences making inflammatory accusations against the Government for its economic policies. While there were reports of anonymous threats, UNSITRAGUA leaders themselves acknowledge that the Government protected their right to dissent.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Guatemala has no state religion. More than 70 percent of the population is Roman Catholic, but all religious denominations have the right to practice freely in Guatemala. Many Indians, who comprise roughly 50 percent of the nation's total population, mix native beliefs with Catholic practices. Over 25 percent of Guatemalans now adhere to Protestant denominations, most of which are evangelical in nature. There are also small communities of Jews, Mormons, Baha'is, and Buddhists.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal restrictions on freedom of movement within the country or travel abroad. A number of prominent leftists who fled Guatemala in the early 1980's have returned, some to

visit temporarily and others to live permanently. Leaders of the insurgents' umbrella organization, the Guatemalan National Revolutionary Union (URNG), announced to the National Reconciliation Commission that they wished to return to Guatemala to participate in the national dialogue. The Government responded that they could return to Guatemala only if they laid down their arms and accepted the amnesty. Guerrillas who have accepted the amnesty are documented by the Government and allowed to live where they choose.

The model village program of the former military government was tranferred from the Ministry of Defense to the Ministry of Development after civilian rule was reestablished in 1986. Since then, it has been government policy not to develop additional model villages.

Guatemala generated thousands of refugees and displaced persons in the early 1980's. Refugees are now repatriating as security and living conditions improve in areas of conflict. The number of returnees has increased each year since the inauguration of the civilian Government, reaching about 3,000 in 1988 (three times the number that returned in 1987). Nearly 4,500 displaced persons returned to areas under Government control in 1988. Although those who return from refuge in or outside the country or from service with the guerrillas may find that their land is now being farmed by others, the Government guarantees that returning refugees will receive either their own land or land in newly settled areas. This has not always proven to be possible in practice, and a few repatriated refugees have sought to return to their country of asylum.

Guatemala continues to receive refugees from Nicaragua and El Salvador. Estimates of the number of Nicaraguans living in Guatemala vary between 7,000 and 20,000, most of whom are in the country illegally. There are also thousands of Salvadorans who came to Guatemala, some as temporary laborers and others to escape guerrilla warfare. Many of these displaced persons obtain assistance from church groups and other charities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Vinicio Cerezo took office in January 1986 after free and fair democratic elections in 1985 following 20 years of military rule. The President and a majority of Congressional Deputies are members of the Christian Democratic Party. The 100-member unicameral Congress currently contains 11 political parties which range across the political spectrum. The President and Congressional Deputies were elected to 5-year terms in 1985 and new national elections are scheduled for 1990. Nationwide municipal elections were held in April 1988, and by all accounts they were free and fair. Lower than expected voter turnout was attributed to the elimination in the new Constitution of the previous law which imposed a fine on citizens who did not vote.

Seven women were elected to the National Congress, and there are two female Cabinet members.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The continuing activities of the constitutionally mandated Human Rights Ombudsman, named in August 1987, are part of a wider effort to ensure respect for human rights. The Ombudsman opened offices in 5 of Guatemala's 22 departments, and processed (e.g., investigated, referred for action, or dismissed) nearly 700 of the 850 cases put before him through August 1988.

The Government has welcomed international human rights delegations. Though not many international groups have permanent offices in Guatemala, many have representatives in the country or visit fairly frequently. Amnesty International and Americas Watch issued reports in 1988 that were critical of the human rights situation in Guatemala, although they did note improvements. Representatives of both groups have visited Guatemala since the democratically elected Government came to power in January 1986.

Hector Gross Espiel, mentioned previously as the United Nations human rights expert for Guatemala and a judge of the Inter-American Court of Human Rights, visited in August and consulted with the Government on human rights issues. Gross Espiel said that the human rights situation in Guatemala has improved, and that significant progress had been made because there is no longer a policy of human rights violations carried out by government officials. When he returned to Guatemala in November, Gross Espiel stated that those human rights violations which still occur are a product of the wave of criminal activity in the country. He urged the Government to move from a policy of not violating human rights to taking a more effective role in preventing human rights abuses in the society.

The Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) visited Guatemala in January 1988 to investigate and to express to the Government of Guatemala its concern over reports of forced disappearances. In its 1987-1988 Annual Report, the IACHR stated its appreciation to the Government of Guatemala for its cooperation with the work of the Commission. It also noted that Guatemala has submitted to the obligatory jurisdiction of the IACHR. The Commission concluded that, even though violations of the right of life in Guatemala remained alarmingly great, there was major progress, including a significant number of Government institutions dedicated to the promotion, protection and defense of human rights. It described the country's domestic legislation on human rights as among the most advanced. The IACHR report commended the attitude of the Government in redoubling its efforts to put an end to a long record of uncontrolled violence, which it noted had more than once imperiled the stability of the constitutional order. The Commission called for continuation of efforts to consolidate the democratic process and to protect and defend human rights.

A locally managed Red Cross, with no connection to the International Committee of the Red Cross (ICRC), has operated freely in Guatemala for many years. In January 1988, the ICRC opened an office in Guatemala. However, by year's end, the Government and the ICRC had not yet reached formal agreement on the status of the organization as an international mission. While this caused the ICRC to delay initiation of full

operations within Guatemala, the organization was engaged in evaluating the situation of displaced persons and providing human rights education for the Guatemalan Army.

The GAM, a group of relatives of missing persons, continued its efforts to locate those who have disappeared, although its demonstrations have been less well attended than in previous years. The group is most active in rural areas. The GAM continues to receive international support, and in 1988 it received an award from a Protestant church of the Federal Republic of Germany.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Stark cultural differences between the ladino middle and upper classes and the large number of indigenous Mayan groups, who comprise approximately 50 percent of Guatemala's population, have historically created tensions between the two groups. In an attempt to bring the indigenous people into national life, the Government is providing medical attention as well as bilingual education in Spanish and native languages to those who live in the most distant rural areas. Indians living near towns have had access to these benefits. Citizens of Indian descent have the same legal rights as other Guatemalans, and several have been elected as members of the National Congress and as mayors.

Women are making significant contributions in the Government and in the private sector. In addition to the women in the Cabinet and the National Congress, six of Guatemala's ambassadors are women, as is the person appointed to the "notable person" position on the National Reconciliation Commission, formed pursuant to the Esquipulas II Agreement. Despite this progress, centuries-old stereotypes still exist. The Government established a National Office of Women (ONAM) to address the needs of women in the work force. Staff and resource limitations restrict its ability to coordinate activities with 56 Guatemalan women's organizations. Among the issues ONAM is attempting to address are employer discrimination against married and pregnant women, the inability of professional women to find employment, and the lack of sufficient daycare centers for the children of working women.

Section 6 Worker Rights

a. The Right of Association

Workers have a right under the Constitution to associate. As do other organizations, unions must obtain recognition from the State to have legal status. Prior to 1984, this requirement was used to frustrate organizing activity, and only about 2 percent of the labor force was unionized. The new Constitution extends the right to strike even to public sector unions, and the number of organized workers has grown rapidly, now constituting about 8 percent of the labor force. The Labor Code establishes labor courts that form the core of a complex system designed to settle labor disputes. The Ministry of Labor has the authority to arbitrate strikes, and most parties prefer to negotiate rather than go to the backlogged Labor Courts.

Although strikes are technically illegal unless all the steps in the Labor Code are followed, employers, including state

agencies, have made concessions to unions to settle strikes that were illegal on those grounds. By law, union jurisdiction must be limited to one company. Labor federations may assist individual unions, but there is no industrywide bargaining.

More unions have acquired legal status in the past 2 years than at any time in the previous 30 years. Yet there are also scores of unions awaiting legal recognition. Obtaining recognition can still be time-consuming and cumbersome, and some have alleged that political influence or ideological orientation plays a role in the process. For example, although the law states it should take unions 90 days to register with the Government, some union leaders have reported delays of up to 2 years. Nevertheless, all of the unions receive more favorable treatment than they did in the past. A number of unions are operating without legal recognition, and this denies them some protections under the Labor Code, but collective bargaining pacts which have the same legal force as contracts with recognized unions are still negotiated by these unions.

Guatemalan unions are members of international labor organizations and in 1988 the largest union chose the worker delegate to the International Labor Organization (ILO). At its November 1988 session, the ILO Governing Body accepted final conclusions and recommendations of its Committee on Freedom of Association (CFA) in a case brought against the Government of Guatemala by the Guatemalan Trade Union Confederation (CUSG). In its conclusions the CFA: acknowledged the Government's cooperation; recommended further steps, including revision of the law to facilitate registration of unions; and asked to be apprised of future developments.

There is an active Solidarismo movement in the country. While leaders of the Solidarismo movement claim that it is a legitimate form of worker organization, the AFL/CIO, and the International Confederation of Free Trade Unions (ICFTU) and other international trade union organizations contend that Solidarismo is an employer-inspired alternative to independent trade unions. The Ministry of Labor has thus far refused to register Solidarismo organizations as unions.

b. The Right to Organize and Bargain Collectively

The 1985 Constitution guarantees workers the right to organize, even in the public sector, and there has been a high level of organizing activity in recent times. The Labor Code, which predates the Constitution, establishes a complex system to settle labor disputes and gives the Minister of Labor power to arbitrate. Unions have been more successful in raising wages through collective bargaining at the plant level than in raising overall wages through public protests.

When a worker is a union official, the law provides that he cannot be fired, and this protection extends for 2 years after he leaves office. While union officials complain that the law is not implemented effectively, the major impediment to organizing is employer resistance, not the law.

There are no zones in Guatemala where legal protection for workers does not apply. Labor organizing is legal but still difficult in areas where there was revolutionary violence in the late 1970's, particularly in the Indian highlands.

GUATEMALA

Union members became concerned about a possible politically motivated assasination when Carlos Martinez Godoy, a low-ranking offical in a bank employees union, was murdered in October in front of his house. However, officials in the Federation of Bank Unions (FESEBS) indicated that Martinez Godoy had no connection with a dispute then under way with the Army Bank and acknowledged that the union he represented had just completed successful contract negotiations with its own management. In November a National Police agent was detained and brought before the courts as the suspected murderer. No political motive was apparent; the killing was considered to be a crime of passion.

c. Prohibition of Forced or Compulsory Labor

The Constitution provides the right of workers to freely choose their work, and the practice of compulsory labor is prohibited by law. However, there have been frequent complaints that persons are forced to participate in the civil defense patrols under threats and intimidation, especially in areas of conflict, and are compelled to perform unrelated tasks without compensation. This would be illegal under the Constitution, although the U.N. Convention on Forced Labor allows conscription into military service and community service projects. In response to questions which arise regarding the voluntary nature of civil defense patrols, the Government presented the Human Rights Ombudsman with a formal written declaration that service is strictly voluntary, and the Ombudsman has disseminated copies of the declaration to all civil defense patrols.

American Embassy officers visiting areas of conflict have found that service on the patrols is viewed as an obligation to community service and a sign of social status. Civil defense members see themselves to be protecting their community so that the military need not patrol there.

Guatemala had a tradition of forced labor by indigenous workers, the Encomienda system, which was outlawed in the 1930's. Vagrancy laws in effect until the 1950's allowed for the imprisonment of persons who did not have employment. This history still influences attitudes in some rural areas. However, the Government is seeking to eliminate abuses when they occur.

d. Minimum Age for Employment of Children

The Constitution prohibits the employment of children under the age of 14, and this restriction, generally observed in the formal economy, is enforced by the Ministry of Labor through a system of labor inspectors and labor courts. Although enforcement is not always effective in the more informal economy, child labor is generally not a widespread abuse. In the informal economy, particularly in rural areas, whole families work, with children assisting their parents.

e. Acceptable Conditions of Work

The minimum wage is $1.20 dper day in rural areas and $1.50 in urban areas. Ministry of Labor data shows that 85 percent of Guatemalan families do not have enough income to meet their basic needs and that 72 percent live in extreme poverty. Its Commission on Wages, which includes union representatives, recognizes that it must encourage the creation of employment when setting minimum wages. Minimum wages were raised in 1988

for the first time this decade. The Constitution provides for a 44-hour workweek. There are occupational safety and health regulations, but they are not always effectively enforced.

GUYANA

The Cooperative Republic of Guyana, a member of the British Commonwealth, is a small, multiracial, developing nation on the South American continent, which culturally and politically is considered to be a part of the Caribbean. A unicameral Parliament is chosen by direct election in a multiparty political system. The head of the majority party in Parliament is elected Executive President. Under the 1980 Constitution, parliamentary and regional municipal elections are held at least every 5 years. The People's National Congress (PNC), currently led by President Hugh Desmond Hoyte, has dominated political life since the 1964 elections. The opposition parties boycotted the December 1986 municipal elections, the first scheduled since the early 1970's, alleging that they would not be free and fair due to ruling party control of the electoral machinery.

Guyanese society and political life are influenced by ethnic differences between Afro-Guyanese and Indo-Guyanese. Urban Afro-Guyanese dominate the ruling PNC, the Guyana Police Force (GPF), the Guyana Defence Force (GDF), and other security forces, while Indo-Guyanese predominate in the agricultural and business sectors. President Hoyte has continued efforts to bring more Indo-Guyanese into party and ministerial positions.

The Guyana Police Force has primary responsibility for maintaining law and order throughout Guyana. In addition, the Customs and Excise Department, and various branches of the Special Constabulary, have arrest authority within certain well-defined limits. The Police and Constabulary, along with the GDF, the Guyana National Service, the Guyana People's Militia, Guyana Prisons Service and the Customs and Excise Department are directly responsible to the civilian Government.

Public corporations control two of Guyana's major export industries, sugar and bauxite, which employ about 17 percent of the work force. The third principal export industry, rice, is primarily in private hands. Despite the Government's efforts to enhance the role of the private sector and encourage private foreign and domestic investment, the economy continued to be plagued by external debt, sluggish growth, and a deteriorating infrastructure.

Human rights concerns in Guyana continue to center on police abuse of persons arrested, limitations on press freedom, and questionable electoral practices. However, the improved atmosphere noted since the 1985 change of government continued. The 1988 report of the Guyana Human Rights Association (GHRA) stated that "the pervading fear which enveloped the society during the latter years of the Burnham era evaporated." The GHRA cautioned, however, that "certain institutional features remain in place which limit the enjoyment" of certain freedoms.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No politically motivated killings are known to have occurred. Summary executions do not take place.

b. Disappearance

There were no reports of politically motivated disappearances, clandestine detentions, or abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by the Constitution. However, the Guyana Human Rights Association (GHRA), in its 1988 "Brief on Police Violence," expressed its "growing concern" over "the use of violence by the police and its apparent acceptance by society at large." It also stated its belief that "those responsible for excessive violence constitute a small element within the force as a whole." The brief included affidavits from persons who claimed that they had been assaulted by police. Police regulations call for internal investigation of all charges, and some police officers have been disciplined or fined. In August one case was referred to the Director of Public Prosecution for possible criminal charges. Civil and criminal suits may also be brought against police officers by private citizens. Such suits have resulted in sentencing of members of the police force in the past, but critics charge that police discourage complainants from bringing suit.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person may be deprived of personal liberty except as authorized by law, and also calls for judicial determination of the legality of detention. During 1988 no persons were arrested, detained, or exiled for their political views. The National Security Act permits the detention without charges for up to 3 months of persons who are deemed (by officials at the ministerial level) likely to act "in any manner prejudicial to public safety or public order or the defence of Guyana." To date, however, no one has been detained under provisions of the Act.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Under Guyana's British common law system, the Constitution provides that anyone charged with a criminal offense has the right to a hearing by a court of law, and this right is respected in practice. Guyana has a functioning bail system, and defendants are granted fair public trials. Defendants are represented by counsel, court appointed when necessary. Timely charges are presented, and appeal can be made to higher courts. There are no political prisoners or special courts for political security cases. Some opposition figures have expressed concern over the courts' rulings in certain cases involving government interests, such as in libel suits brought by government officials (see also Section 2.a.). Opposition lawyers complain that the judiciary is prone to grant lengthy postponements in trials affecting the Government or law enforcement officials; however, postponements are routinely granted to both the defense and prosecution. Delays in judicial proceedings are most often caused by shortages of trained court administrative personnel.

A February inquest into the 1980 death in a bomb explosion of Walter Rodney, leader of the Marxist Working People's Alliance (WPA), concluded that Rodney died by "accident or misadventure." The WPA had contended that the Government

placed the bomb. Opposition groups rejected the inquest's findings, noting that key witnesses were not able to testify.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respected the right to privacy. Some opposition politicians alleged incidents of government surveillance. The law permits police of the rank of inspector and above to conduct searches for narcotics and arms without search warrants but with probable cause. The laws requiring judicially issued warrants for all other searches were respected.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitutional provision for freedom of speech is respected and Guyanese can, and do, criticize their Government and its policies.

The only public television station, Guyana Television (GTV 10), was founded in January. Its broadcasting consists thus far of a 1-hour program on Sundays, although a nightly 15-minute news program, which generally presents the Government's point of view, is provided to the country's two private television stations. The two private stations normally broadcast satellite transmissions from the United States, including uncensored network news. The country's only radio station, the Guyana Broadcasting Corporation (GBC), is selective in reporting the views and activities of opposition parties. Some of the GBC's radio interview and commentary programs allow public criticism of the Government, but, in general, they reflect government policies. Foreign and regional radio stations can be heard on medium and shortwave bands.

In the past the Government, through ownership of the country's only daily newspaper and radio station, issuance of import licenses for newsprint and printing presses, and control of most hard currency, maintained varying degrees of control over the media. This control, however, eased in 1987 and 1988. The independent Stabroek News, for example, increased its publication from once to twice a week in January. Newsprint availability remained a problem, but this reflected foreign exchange considerations and not political ones. In mid-1988 government, opposition, and independent reporters, editors and publishers resuscitated the long-dormant Guyana Press Association.

Individual members of the Government have sometimes brought libel suits against publishers which critics claim was to discourage press criticism of the Government. In March President Hoyte was awarded $10,500 in libel damages from the Catholic Standard newspaper over two articles which were published in 1982 (when he was Vice President for Economic Planning and Finance). Also, in 1988 libel suits were filed by individual police officers against the GHRA over its "Brief on Police Violence," and against the independent Stabroek News for its reporting on the Brief. On one occasion in late 1988, officials of a newspaper were formally warned by a police official that there was a possibility of prosecution arising from a previously published article.

GUYANA

In 1988 the government-owned daily newspaper, the Guyana Chronicle, continued to expand coverage of news and commentaries that differ from government views. Independent periodicals were free to criticize the Government and its policies. Information on government activities and operations, however, is carefully controlled. In April 1988, Parliament passed the Public Corporations Act, which includes clauses that provide for the fining and imprisonment of employees of public corporations who disclose unauthorized information about government activities and operations. By year's end no one had been charged under the law. Guyanese can receive printed materials from abroad without restrictions, but scarce foreign exchange limits their availability. Certain regional newspapers and international news magazines, which often contain criticism of the Guyanese Government, are, however, regularly available.

The Government's record on academic freedom continues to be good. Several opposition activists in the GHRA and the Marxist WPA teach at the public University of Guyana, and opposition parties have also organized student groups there.

b. Freedom of Peaceful Assembly and Association

The Public Order Act requires police permits for mass political meetings. At his discretion, the police commissioner without explanation can refuse permission for a public meeting. In 1988 opposition parties organized numerous rallies and marches, although they complained that permission to hold such events was at times arbitrarily denied. The Government imposes no restrictions on joining private associations.

c. Freedom of Religion

The Constitution provides for freedom of thought and religion. There is no favored or official state religion. All religions in Guyana are allowed to select their places of worship and are free to maintain their links with coreligionists in other countries. Christians, Hindus, Muslims, and Baha'i communities in Guyana practice their religions without restrictions. There are no restrictions on travel for religious purposes overseas, nor on training of clergy, religious publishing, conversion, religious education, or charitable activities. In 1988 foreign Catholic priests did not encounter the bureaucratic delays which they had faced in earlier years in obtaining or renewing visas. The Government allowed the establishment of a second mission of Mother Teresa nuns, as well as the entrance of three Benedictine monks to establish Guyana's first monastery.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within Guyana is provided for in the Constitution. Travel to certain Amerindian areas requires government permission, a regulation dating from colonial times designed to protect the indigenous peoples from exploitation. The GHRA, opposition politicians, and some clergy contend that permits are routinely denied to missionaries and non-PNC politicians, and that the regulations are being used to maintain PNC influence among the Amerindians. Guyanese are free to travel abroad, to emigrate, and to return. Guyana is neither a refugee receiving nor generating country. There are no forced resettlements or displaced persons, and citizenship is not denied on political grounds.

GUYANA

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Guyanese are free to express their political views and to join or support a variety of political parties. All citizens 18 years of age or older are eligible to participate in the political process and to vote. National and regional elections, by secret ballot, are held at least every 5 years. The leader of the winning party is elected President and forms a Cabinet.

Opposition parties vigorously criticize the Government and are free to field candidates for election. Since 1964, however, the People's National Congress (PNC), a predominantly Afro-Guyanese Party, has dominated political life through questionable electoral practices. Opposition parties regularly charge the ruling party with fraudulent practices. Following the 1985 elections, opposition parties, including the Communist People's Progressive Party (PPP), joined in the Patriotic Coalition for Democracy (PCD). The PCD seeks such reforms in Guyana's election laws as the counting of ballots at the polling places rather than at a central counting place. The PCD charges that without such changes the PNC will continue to dominate the electoral process and deny the country free and fair elections. The Integrity Commission, appointed by the Government in 1986 to investigate the need for a Code of Ethics for public officials, also called for electoral reform, including greater dialog with opposition parties. To date the Government has taken no action on this recommendation.

Political parties are organized generally along ethnic lines, a situation that predates independence. President Hoyte has appointed a number of Indo-Guyanese to ministerial and other government positions and attracted still others to the PNC. Although not yet in large numbers, women play some role in both the ruling PNC and the opposition parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government regards outside criticism of its human rights practices as interference in its internal affairs but has taken no action to hamper investigations. In 1988 the government-owned media continued to pay increased attention to human rights matters, reporting on charges of abuses and subsequent investigations. The GHRA, the most active human rights group, functions without government interference. The GHRA is a nongovernmental organization formed in 1979 with support from trade unions, professional organizations, and churches, and it issues periodic press releases and publishes an annual report on human rights in Guyana. It also gathers information from members, victims of abuse, trade unionists, churchmen, other interested parties, official documents, and newspapers.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for fundamental rights to all persons in Guyana. Guyanese society and political life, nonetheless, continue to be influenced by ethnic differences between Afro-Guyanese and Indo-Guyanese. The ruling PNC and government agencies are dominated largely by Afro-Guyanese while Indo-Guyanese dominate the agricultural and business

sectors. Guyana has a small ethnic Amerindian population, composed of nine tribal groups, living in scattered reservations throughout the country. Relative to most Guyanese, their standard of living is low. The GHRA has alleged that Amerindians are subjected to government control of their leaders and land titles, as well as limitations on access to their reservations by priests and other outsiders.

The Constitution prohibits discrimination on the basis of sex. Women are found at all levels and in all types of employment, but they only infrequently occupy positions of major responsibility and authority. Women in Guyana primarily fulfill the traditional roles of homemaker and mother but are increasingly entering the salaried economy. The Constitution provides women the right to equal pay for equal work, but average wages for women remain considerably below those for men. In 1988 women were allowed for the first time to file their own income tax returns, regardless of their marital status. There are no discriminatory family laws or restrictions on women's rights to own property. There are no groups that focus primarily on women's rights.

Section 6 Worker Rights

a. The Right of Association

The right of association is provided for in the Constitution under a section which specifically enumerates a person's right "to form or belong to trade unions." Aproximately 80,000 of Guyana's estimated 240,000 workers are organized. Unions are free to choose their own representatives, and union elections are vigorously contested. The views of trade unions and trade unionists are widely publicized in both the government-controlled and independent media. Unions are free to determine policies to represent their members' interests. Workers in Guyana have the right to strike; the major strike of 1988 was a general strike in the sugar industry which ended inconclusively in February after 28 days. The Government has the authority to declare any strike "political" or "illegal" but has not done so since the late 1970's.

Political parties, particularly the ruling PNC, wield significant influence in a number of unions, and political figures often assume dual roles as trade union leaders. Seventeen of the 24 unions affiliated with the Guyana Trades Union Congress (TUC), the labor umbrella organization, are either controlled by or affiliated with the PNC. The largest union, the Guyana Agricultural and General Workers' Union, is affiliated with the opposition People's Progressive Party. There are several independent unions in the TUC, including two unions in the bauxite industry and one in the sugar industry.

The 1988 TUC conference held in September ended in disarray when seven unions walked out in protest against heavy-handed electioneering tactics by PNC activists who attended the conference as delegates. These unions formed a Federation of Independent Trade Unions (FITUG) but have not formally left the TUC. FITUG has renewed the longstanding call for a reform of the TUC to redistribute internal power and safeguard the independence of the movement from political influence. As the year ended, the Government initiated a number of measures which appeared to be an attempt to intimidate the breakaway unions: it dismissed the chairman of FITUG from his government job; a government-owned bank moved to foreclose the mortgage it holds on the headquarters of a FITUG union, the

Guyana Mineworkers' Union; and the Government informed another FITUG member, the Guyana Public Servants Union (GPSU), that it was suspending government agency collection of dues paid to GPSU under a collective agreement.

The trade union movement has limited influence beyond issues directly related to industrial relations. Unionists and their property are not specifically protected by law. Under the Trades Union Act, property of trade unions is vested in the unions' trustees for the use and benefit of the union and its members.

Guyana sent a tripartite delegation to the 74th Session of the International Labor Organization Conference in Geneva in June. Guyana is not a voting member, however, because of its financial arrears to the organization. The TUC is affiliated with the Caribbean Congress of Labor and the International Confederation of Free Trade Unions. Unions freely maintain relations with recognized international trade union and professional groups.

b. The Right to Organize and Bargain Collectively

The right to organize and to bargain collectively exists in law and practice in both the public and private sector. In 1987, the most recent year for which figures are available from the Ministry of Labor, 18 collective bargaining agreements were concluded. The 1984 Amendment to the Labor Act gave centralized bargaining power to the TUC in negotiations in the public sector. That law, however, was overturned by a court decision in 1987, which held that constitutionally mandated consultations had not been held during consideration of the bill. In February a bill, which amended the Constitution, reinstated the Act, but only after the centralized collective bargaining provisions had been eliminated.

The Chief Labor Officer and his staff at the Ministry of Labor provide consultation services. Disputes are frequently settled through consultation and dialog without resorting to industrial action. During the sugar industry strike, however, this process did little to help resolve the dispute. There were no known cases of antiunion discrimination. There are no special areas or industries where collective bargaining is impeded or discouraged; labor laws and regulations are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor does not exist in Guyana. Section 140.(1) of the Constitution provides for freedom from slavery or servitude, and Section 140.(2) for freedom from forced labor.

d. Minimum Age for Employment of Children

Minimum age laws are set out in the Factories Act and the Employment of Women, Young Persons, and Children Act. Under the law, no person under 14 years of age shall be employed in any industrial undertaking and no person under 16 shall be employed at night, except under regulated circumstances. Government policy, however, is stricter: no one under 18 can be employed outside the family. In addition, the terms "industry" and "factory" as used in the law have been interpreted by the Ministry of Labor to encompass nearly all

workplaces except offices and retail shops. According to the law, children under age 14 may be employed only in enterprises in which members of the same family are employed. The Ministry of Labor monitors compliance with minimum age laws.

e. Acceptable Conditions of Work

Hours of employment are set under the Factories Act and vary by industry and sector. Most workers work an 8-hour day and a 40-hour week. The Ministry of Labor monitors compliance with laws on maximum hours. Occupational health and safety standards are also treated under the Factories Act. The Occupational Health and Safety Division of the Ministry of Labor conducts factory inspections and investigates charges of substandard workplaces and conditions. The Ministry of Labor report for 1987 states, however, that this division has been hampered by understaffing and inadequate funding.

The 1987 agreement between the Government and the TUC, which established the minimum wage at the equivalent of $2.35 per day at the prevailing official exchange rate contained an automatic 5 percent increase for 1988, making the current minimum wage the equivalent of $2.49. This wage is considered inadequate to support workers and their families, primarily because inflation has outstripped wage increases.

HAITI

Haiti was ruled by four different governments in 1988, none of which came to power through a credible democratic process. The year began under the National Council of Government (CNG), headed by Lieutenant General Henri Namphy, which assumed power upon the overthrow of dictator Jean-Claude Duvalier in February 1986, and was to rule as a provisional government until presidential elections could be held. After the violence-aborted elections of November 29, 1987, a second election, in which participation was very low, was held under military supervision on January 17, 1988, resulting in the election of Leslie Manigat. This election was widely believed to have been manipulated by the military. Manigat was installed as President on February 7. Four months later, on June 20, Manigat was ousted by the military when he attempted to force through various retirements and transfers of senior officers. Namphy resumed power, ignored the Constitution, dissolved the legislature, and established a military government. In early September, thugs who were widely assumed to have been acting for the Namphy Government, attacked several churches, radio stations, and political party headquarters. In part as a response to these attacks, on September 17 noncommissioned officers and soldiers of the Presidential Guard led a coup against President Namphy and asked Lieutenant General Prosper Avril to replace him.

The Forces Armees d'Haiti (FAD'H) constitutes the state security apparatus. Politically motivated groups of hired thugs, acting at the behest of unidentified persons, were responsible for several unexplained killings, and occasional mob violence in Haiti in 1988. Additionally, remnants of the disbanded national militia, the National Security Volunteers (VSN), popularly known as Ton Ton Macoutes, disrupted public order frequently in 1988. The VSN was originally formed by President-for-Life Francois (Papa Doc) Duvalier. Its remnants have often attached themselves to figures of authoritarian bent. The Macoutes themselves were the targets of "popular justice" killings immediately following the September 17 coup d'etat which toppled the Namphy Government.

Haiti is the poorest country in the Western Hemisphere and the most densely populated. Its faltering economy continues to burden all other aspects of life. There is a great disparity between the income levels of the upper and lower classes, and urban slums in Haiti are widely viewed to be among the worst in the world. The withdrawal of foreign aid after the aborted elections of November 1987 further damaged the economy and encouraged the continuation of the contraband trade, mostly in basic commodities such as rice, wheat flour, and sugar.

The first three governments which held power in Haiti in 1988 (from January 1 to September 17) failed to defend effectively the human rights of the populace from attacks by extragovernmental organizations. In many instances, the Government instigated or tolerated these actions, and in others there was strong suspicion that acts of violence were committed directly by the Government or its officials. Politically motivated killings, mistreatment of prisoners, and arbitrary arrests and detention took place in Haiti before the coup which unseated the Namphy Government. Freedom of speech and of the press, of association, and of movement were, in general, not directly restricted by the governments in power during the year. Nonetheless, before the September 17 coup, bands of thugs attacked people and institutions with the apparent purpose of preventing the exercise of basic rights.

These attacks were often perpetrated with at least the acquiescence, if not the approval, of the Government.

Early actions in the human rights area taken by the Avril Government were positive. Avril removed many corrupt, abusive, or otherwise undesired officers from the military, appointed a mostly civilian cabinet, and declared his intention to resume the transition to democracy and to establish a permanent electoral commission which would set forth procedures, establish timetables, and monitor new elections at both the local and national levels.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Currently available evidence is insufficient to demonstrate conclusively that any of the four governments of 1988 took direct part in any political killings. However, the National Council of Government (CNG) and the Namphy Government, as well as individual government officials, were widely viewed as tolerant of such killings and possibly implicated in them. What is clear is that the first three governments failed to protect the populace from politically motivated killings or to investigate and prosecute effectively those responsible for the killings which did take place.

In July human rights attorney and activist Lafontant Joseph was murdered by unknown assailants. The Namphy Government announced the formation of a committee of inquiry, but no results were ever made public.

In August four young people, members of a local youth group, were killed in the rural village of Labadie by four gunmen who opened fire on a public gathering of this youth organization which allegedly had a political orientation. Some witnesses contended that the gunmen were dressed partially in military uniforms. The local government official, termed the Section Chief, was widely accused of having instigated the killings on political grounds. A commission formed by the Namphy Government briefly investigated the killings, but again no results were ever made public. After the September 17 coup, this Section Chief's house was sacked and burned by townspeople in an apparent reprisal for the killings. He went into hiding.

On September 11, a group of approximately 50 thugs armed with handguns, machetes, and truncheons attacked the Catholic church of St. Jean Bosco in downtown Port-Au-Prince, killing 11 people, injuring more than 70, and burning down the church. The then mayor of Port-Au-Prince, Franck Romain, and the Namphy Government itself were thought by many to have been behind this incident. Others contended that the Government condoned the attack. The Namphy Government announced a commission of inquiry. No results were ever made public, and the Namphy Government was brought down in a coup d'etat 1 week after the attack on the church. After the coup, several persons were immediately identified by the public as the attackers of the church. They were killed by crowds in acts of uncontrolled public revenge. Such acts by the populace against those accused of participating in the September attacks, and against others accused of being former Macoutes,

have diminished since the early days following the coup. Romain sought political asylum in the Embassy of the Dominican Republic in Port-Au-Prince, where he remained at year's end.

The Avril Government undertook an extensive housecleaning of the military and police, retiring or removing more than 100 officers who were beyond retirement age or regarded as being corrupt, abusive, or otherwise unsuitable.

The Avril Government released previously confidential investigative reports on the election violence of November 29, 1987, and on the murder of presidential candidate Eugene Athis. In response to widespread criticism of the reports, the Avril Government invited human rights activists, lawyers, and others to nominate candidates to a new commssion to reinvestigate the November 1987 election violence. Further, a warrant for the arrest of a suspect in the killing of Eugene Athis was issued in December 1988. Additionally, the Avril Government announced that it had taken into custody four suspects accused of participation in the 1987 murder of presidential candidtae Yves Volel.

There were no reports of any political killings perpetrated by, or with the complicity of the new Government after September 17, although the "popular justice" killings of the accused St. Jean Bosco church attackers were not hindered by the Avril Government. Additionally, there were several unexplained killings in the months following the September coup. These killings gave rise to public concerns at the perceived climate of insecurity. The perpetrators and their motives remain unclear.

b. Disappearance

There were no reliable reported incidents of disappearances in Haiti in 1988. None of the governments which held power in Haiti in 1988 was known to have investigated a report of 50 persons who allegedly disappeared after being taken into government custody in November 1987. Some human rights groups believed that these persons were murdered, while other persons suggested that the entire event was a fabrication. The CNG, which governed Haiti at the end of 1987 and the beginning of 1988, denied that the Government had ever taken custody of these persons. No further evidence has yet surfaced.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The Constitution specifically prohibits physical brutality during interrogation and provides for the right of the accused to have a lawyer and witnesses present during the interrogation process. Evidence indicates that torture did take place in Haiti in 1988, and that, at least before September 17, police beatings of prisoners was a common practice.

Since the accession to power of the Avril Government, one substantiated case of abuse attributed to Haitian police authorities has received considerable public attention. This incident involved the arrest and beating of several innocent civilians in November during the conduct of an investigation into the death of a Haitian Air Force soldier and his wife. The new Chief of Police, who had issued a public statement on October 3 promising to professionalize the police force and prevent such abuses, immediately offered a public apology for

the incident and promised to discipline the police agents involved.

In 1988 in five well-documented cases, examples of cruel treatment were noted. In March reliable eyewitnesses saw police in the coastal town of Cabaret kicking prisoners and beating them repeatedly with the butts of their rifles in front of the police station as they transferred them from a police vehicle into the station.

In April two American citizens held by Haitian police were observed with severe bruises. The prisoners contended that these bruises were the result of having been beaten by prison guards using night sticks several times a day for several days.

In July an army officer arrested a man who supposedly owed him money. The man was taken to an army barracks where he died after being beaten on the orders of the arresting officer. The officer was arrested, and court martial proceedings were initiated. The officer was subsequently discharged from military service, but no crimina' charges were brought against him.

In August nine persons were arrested in the Central Department and detained at the Departmental Capital at Hinche. It was widely reported that eight of the arrestees were severely beaten by police. A local human rights group stated that it had documented the abuses by medical examinations.

Soldiers arrested by the Avril Government in October in connection with the alleged planning of another military coup were reportedly beaten in the course of being subdued.

Complaints were frequent about physical abuse by rural Section Chiefs and some other local officials. Often the sole government representative in remote areas, the Section Chiefs act as a police authority and wields considerable power. The Avril Government removed a number of these officials from office and, in December, issued a decree stating that the position of Section Chief, once an appointed official, would become an elected office.

Prison conditions are generally poor, and prisoners are likely to encounter limited hygienic facilities, inadequate food and health care, and ill-treatment by prison staff. The Avril Government ordered the closing of Fort Dimanche, a detention facility which had frequently been used by the Duvalier authorities and around which a cruel reputation had developed. Recherches Criminelles, another notorious detention center and the headquarters of many of the irregular "detectives" of the Duvalier era, was made into a purely investigative police facility.

d. Arbitrary Arrest, Detention, or Exile

Under Haitian law, a person may be arrested or detained if apprehended during the commission of a crime or pursuant to a judicial warrant based on evidence justifying the arrest. In all other cases, the person arrested must be brought before a judge within 48 hours to determine the legality of his detention. If the judge determines that a legal basis for the arrest exists, the person may be detained for further legal process; otherwise, he must be released. In practice,

weaknesses in the judicial system frequently lead to lengthy pretrial detention.

Haitian law requires that a suspect be formally charged at least 2 weeks before trial. By law, the accused is permitted to meet with an attorney immediately before trial, although defendants are sometimes able to meet informally with counsel shortly after arrest. There is no public defender or system of bail in Haiti. However, judges may, and sometimes do, grant provisional liberty to a prisoner. Civilian cases may be brought before a jury, and, in the case of military personnel, before a court-martial.

There were a number of arbitrary arrests in 1988. In January political leader and former presidential candidate Louis Dejoie was arrested on arrival at Port-Au-Prince International Airport on his return from a trip to Puerto Rico where he had been critical of the recent presidential elections. He was held in prison for 2 days, then released unconditionally without being charged. In a similar occurrence, Dr. Louis Roy, a member of the 1987 Constituent Assembly, was detained at the airport on his return from abroad, apparently on police orders, but was released after a few hours with no legal action being taken against him.

In March four people were arrested on suspicion of illegal weapons possession. They were detained by the Haitian judicial system for more than 5 months without charges ever being brought. In another case in March, the Haitian Government detained four American citizens who were apprehended in the course of a shootout with members of the military. The Government of Haiti, despite its obligations under international law and practice, failed to inform the U.S. Embassy of their detention. After holding them in prison for several weeks, the Government released and deported them without ever formally charging them.

Journalist and political leader Paul Constant, was jailed on October 1 and accused of possessing hidden weapons. He was freed 10 days later. Several persons arrested on suspicion of involvement in the September 11 attack on St. Jean Bosco church or in the November 29 election violence were detained on September 30. The status of judicial proceedings against them is unknown.

The soldiers who were arrested on October 15 and accused of participating in a destabilization effort against the Government were held without formal charges until mid-December when an investigative commission submitted its report in their case. The report concluded that some of those accused had plotted against the Government and others had been misled by the plotters into thinking that they were stopping a coup attempt. All of the active-duty soldiers were released from prison before the end of December and discharged from the military. Of the accused plotters, only ex-colonel Samuel Jeremie remains in prison where he continues to serve out a sentence on a previous, unrelated murder conviction.

The Constitution prohibits deportation or forced exile of Haitian citizens. Nonetheless, ex-Presidents Manigat and Namphy were both exiled when deposed from office. Returning exiles have 2 years in which to renounce foreign nationality and regain Haitian nationality. Three recognized political figures exiled under previous governments were permitted to return to Haiti under the Avril Government.

HAITI

In August a Canadian priest was summarily expelled from Haiti, without legal recourse, after reportedly having refused to participate in a rally in support of President Namphy and having criticized the Government. The Avril Government rescinded the order expelling the priest.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for the right to a fair public trial, but weaknesses in the judicial system sometimes deny this right in practice. Misunderstanding, illiteracy, and a fear bred of 30 years of dictatorship cause many Haitians to ignore summons for jury duty.

Arraignments and trials are held in public and often receive extensive media coverage. Defendants have the right to be present and to be represented by a lawyer. The judicial system allows the Government broad leeway in the prosecution of cases. Public trials under the existing system are not generally denied, but weaknesses in the system, such as lengthy delays and outside influence on judges and other judicial officials, can effectively limit the accused person's exercise of his right to a fair trial.

As of December 25, 1988, there were no political prisoners known to be held by the Government.

Many persons publicly accused of crimes are subjected to extralegal summary public justice, a traditional means of punishing criminals which is prevalent in remote areas of the country and in cases of great notoriety. After the September 17 coup, several persons suspected of having participated in the various atrocities of the week of September 11 were killed by crowds and their bodies burned. The nascent Avril Government did not interfere in the exercise of this vigilante justice in the immediate aftermath of the September 17 coup, but after several days attempted to curtail such activities. A "people's court," which continued to operate some weeks after the coup, provoked the Ministry of Justice to order its dissolution, and government troops enforced the order.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

During 1988, there were instances in which government troops invaded private homes, ostensibly in search of arms, and sometimes robbed or ransacked the premises. In response to these incidents, the Avril Government instituted procedures whereby searches were put under tighter controls.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of expression for all citizens is provided for by the Constitution. There are several privately owned daily and weekly newspapers and radio stations, including influential stations owned and operated by the Protestant and Catholic Churches. The Government operates the L'Union newspaper, Radio Nationale, and a television station. A privately owned cable television system also operates independently. Print and broadcast media were frequently critical of the Government, giving voice to political and civil organizations

across the political spectrum. The government-owned television and radio stations followed a staunchly progovernment editorial line. Privately owned radio, television, and print media operated without censorship.

Although the press and radio continued to operate following the aborted November 29, 1987, elections, they restrained their criticisms of the Namphy Government after the June 19-20 coup. Several journalists from independent Radio Cacique and other stations reported receiving threats by telephone and in some cases in person. During the week of September 11, Radio Cacique was attacked three times by thugs who also attacked Catholic Radio Soleil and the offices of two political parties and burned down three churches. In that same week, journalists were threatened by unidentified persons who warned them against entering certain neighborhoods in Port-Au-Prince.

The Namphy Government, which fell the week after these attacks, took no measures to protect these stations. The Avril Government sent military guards to protect Radio Cacique for 3 days after the September 17 coup, and volunteered to pay half the cost of the damages to the station. Additionally, the Government formally declared that it would guarantee the rights of journalists to pursue their work.

Government-run media has continued to follow a mostly progovernment line under the Avril Government, but private media freely criticized the Government without official or self-imposed censorship.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association are provided for by the Constitution. Political parties and human rights groups, as well as other private organizations, were very active in 1988.

However, under Namphy, the Government attempted to institute a regulation requiring all social, political, or other mass organizations to have a member of the military present at all meetings, allegedly to assure public order. Several organizations contended that it was an attempt by the Government to infiltrate, monitor, and intimidate them. Similarly, several groups protesting the arrest of eight peasants and their leaders in Hinche in August contended that the arrests were intended by the Government to restrict the peasants' freedom of assembly.

Soon after the September coup , a coalition of groups proposed a massive demonstration in downtown Port-Au-Prince in support of the soldiers of the new Government. The Government persuaded them not to stage the demonstration at that time in the interest of public order. The demonstration did take place, without incident, a week later. The Government did not interfere, and soldiers accompanied the marchers with the announced intention of protecting them. In addition, several rallies were held, without government interference, in September and October in support of popular and controversial Catholic priest Father Jean Bertrand Aristide. In ensuing weeks, demonstrations generally took place without government interference. However, in a few cases the Government did ban or disperse some demonstrations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Religion is an integral part of Haitian life and culture and is practiced widely without interference from the Government. Roman Catholicism is embraced in varying degrees by about 75 percent of the population. Voodoo, a mixture of African Animism and Christianity, is also practiced by a majority of Haitians. Various Protestant denominations and foreign missionary groups openly proselytize in Haiti. There are no government restrictions on missionary activities, affiliations with overseas coreligionists, or religious instruction and publishing.

Nonetheless, prior to September 17, the Namphy Government interfered with Catholic Church activities it deemed political by expelling a Canadian priest. He was permitted to return on October 9 by the Avril Government. Namphy's widely surmised involvement with, or toleration of, the September church burning was seen by some to have had religious as well as political overtones.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not normally restrict domestic travel of citizens or foreigners. An irregular network of military checkpoints operates across Haiti. Foreigners and interurban travelers infrequently are asked to register when entering certain towns. There are no restrictions on persons changing their residences or place of employment. Every Haitian citizen is eligible for a passport and generally travel documents are neither issued nor denied on the basis of political considerations.

Economic migrants continue to leave Haiti bound for destinations in more prosperous areas of the Caribbean or the United States. Pursuant to a 1981 agreement with the Government of Haiti on the interdiction of undocumented migrants, approximately 5,000 would be illegal migrants to the United States were repatriated to Haiti from international waters by the U.S. Coast Guard. U.S. Immigration and Naturalization Service officers are embarked on the Coast Guard vessels to interview potential applicants for political asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The right of Haitian citizens to change their government is embodied in the 1987 Constitution which provides that all male and female citizens 18 years of age and older have the right to vote. Voting is not mandatory but is noted in the Constitution as a citizen's duty. A secret ballot is not guaranteed. The Constitution provides for a 5-year presidential term. Women enjoy full political rights but there are few women at the upper levels of politics and government.

The 1987 Constitution provided for regional, national legislative, and national presidential elections in 1987 under the supervision of an independent electoral commission None of the elections organized by the electoral commission ever took place in 1987 because of various incidents of public disturbance and violence. After violence caused the cancellation of the November 29, 1987 presidential elections,

the ruling National Council of Government (CNG) dissolved the standing electoral commission and nominated a new one with members of its own choosing.

The new electoral commission organized national elections on January 17, 1988, and local elections on January 31. The participation in these elections was very low, and the results were widely viewed as having been manipulated by the military.

Following his accession to power on September 17, General Avril, accompanied by Sergeant Hebreux (representing the non-commissioned officers) consulted with a broad spectrum of organizations, including the major political parties, the Catholic and Protestant Churches, and labor unions to ascertain their views on how the Government could best effect the return to democracy. President Avril called on these elements and others to submit final comments by December 22 on a new draft electoral decree which his Government had circulated. Based on their commentaries, President Avril has stated that a conference of political and social leaders will be convened in early January 1989 to work out the details of the newly proposed Electoral College. He stated that he hopes to have this body in place by early February so that the process of moving to new elections can get under way.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Under President Namphy, the Government received visits from the Organization of American States' (OAS) Inter-American Human Rights Commission (IAHRC) and a group of international human rights organizations led by Americas Watch, to Haiti in 1988. Besides government officials, the groups met with church leaders, labor organizations, human rights organizations, and in some cases the general public. Both groups of visitors were granted access to several prisons and were allowed to interview prisoners, some of whom complained about the conditions and circumstances of their incarceration.

Several local human rights organizations functioned in Haiti in 1988. Their activities generally were not obstructed, although some organization leaders expressed concern during the Namphy Government because of threats and the murder of Lafontant Joseph.

Because some persons who had met with the IAHRC were present in St. Jean Bosco church during the attack on September 11, the IAHRC accused the Namphy Government of mounting reprisals against those persons.

President Avril and members of his Government received a delegation of the International Federation of the Rights of Man in December. Also in that month the Government issued decrees putting into force four international human rights conventions: the U.N. Covenant on Economic, Social, and Cultural Rights; the U.N. Covenant on Civil and Political Rights; the Inter-American Convention Against Torture; and the United Nations Convention on Torture.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Ninety-five percent of Haitians are descendants of African slaves who gained their independence from France through

revolution in 1804. Most of the rest are Mulatto or of European or Middle Eastern descent. Under Haitian law, no distinctions are made with regard to race. Nonetheless, there are longstanding social and political tensions between blacks and mulattos which date back to Haiti's revolutionary period.

Haiti has two official languages, French and Creole. All Haitians speak Creole. French is spoken by only about 20 percent of the population and is primarily limited to the educated classes. There is no official linguistic discrimination, but some social class divisions are sometimes drawn along linguistic lines. Though the overwhelming majority of text is still in French, written media increasingly carry articles in Creole. Creole is the predominant language for radio and television.

The role of women in Haiti is limited by tradition, but there is no legal discrimination between the sexes. Women enjoy equal legal rights in education, property, and voting. Peasant women remain largely in traditional occupations such as farming, marketing, and domestic tasks. Middle-class women make up a large proportion of the work force and dominate the secretarial, nursing, and teaching professions. Men and women are generally paid equally for equal work.

Section 6 Worker Rights

a. The Right of Association

Workers and employers do not need government authorization to establish and join organizations; a minimum of 10 members for the workers' groups and 5 for employers' groups are required. A group must, however, register with the Ministry of Social Affairs within 60 days of its establishment. Workers, including civil servants and public sector employees, are free to organize unions under the Constitution. Unions are not controlled or restricted by the Government but they may not engage in commercial activities or concern themselves with matters unconnected with the defense of workers' rights.

It is impossible to judge accurately the number of workers who belong to unions because each federation claims thousands of unemployed or peasant members. It is estimated that, in total, there are fewer than 10,000 employed members who belong to local unions, which usually claim to represent all workers in individual factories, regardless of each worker's personal affiliation or loyalty to the union.

There are four major labor federations in Haiti: the Autonomous Central of Haitian Workers (CATH), the Federation of Union Workers (FOS), the Autonomous Central of Haitian Workers/Latin American Workers Central (CATH/CLAT), and the Independent General Organization of Haitian Workers. All have open contact with international labor organizations. For example, FOS is affiliated with the International Confederation of Free Trade Unions (ICFTU) and with its affiliate, the Inter-American Regional Organization of Workers; CATH/CLAT with the Christian Democratic World Confederation of Labor; and CATH with some Canadian and European unions. The federations depend largely on outside sources for their financial support. No Haitian unions are known to subsist on dues paid by their members.

During the CNG period, the Government's relationship with the International Labor Organization (ILO) and other international

organizations stagnated; numerous requests by the ILO for information concerning complaints were not acted upon. Manigat reopened the dialog with the ILO after he became President.

Also under the CNG, in June 1987, CATH was dissolved by administrative decree because of alleged illegal political activities. It was reinstated 1 month later after popular protests. CATH has operated without government interference since then.

The ILO is reviewing complaints against the Goverment of Haiti presented by the CATH, the CLAT, the the World Federation of Trade Unions (WFTU), and the ICFTU alleging violations of freedom of association. The cases cited span the period from 1985 to 1987; the majority of the alleged violations occurred under the CNG. These include accusations of arbitrary arrests, illegal administrative dissolution of the CATH, and antiunion reprisals.

Shortly after taking office, President Avril met with the leaders of three of the major labor federations and indicated that his Government seeks to begin a dialog with the major federations and to revive the tripartite negotiations (labor/management/government) on the drafting of a new labor code. Work is currently in progress on this issue. While some allegations of government and employer interference persisted into 1988, the Avril Government has pledged itself to expediting adjudication of alleged abuses. Thus far, it has followed through on this pledge, as illustrated in the Comme Il Faut cigarette factory dispute cited below.

Chapter VI of the Labor Code recognizes the right to strike, although it restricts the duration of certain types of strikes. Strikes are not uncommon, but their legality is usually contested by the employer.

Following the inauguration of Manigat on February 7, 1988, there was a spate of strikes, primarily over wage and benefit issues, in both the private and public sectors. Labor unions took a more prominent, if somewhat unsuccessful, role in the strike negotiations, which for the most part involved the inconclusive intervention of the Ministry of Social Affairs. In several cases, there were accusations that workers who took part in union activities were fired. In June, under the Namphy Government, there was a second series of strikes involving accusations of antiunion discrimination.

In late November 1988, workers at the Comme Il Faut cigarette factory went on strike over wage and benefit issues. The company dismissed several of the workers who had organized the strike. An appeal by FOS to the new Ministry of Social Affairs resulted in a government order to reinstate the dismissed workers.

b. The Right to Organize and Bargain Collectively

Haitian labor unions remain weak for social, historical, and economic reasons. Forbidden under the Duvaliers until 1981, they were then allowed to operate only within strictly circumscribed limits. It was not until Jean-Claude Duvalier's departure that unions were allowed to organize freely.

Union contracts do not yet exist; rather, informal, unofficial, mostly unwritten agreements, and in some cases,

tacit acceptance, allow the presence of unions in plants. Although unions have become relatively more active in grievance negotiations, formal management recognition of unions as bargaining agents is not yet the norm. Even with no government interference, the relatively new phenomenon of trade unionism has not developed quickly in Haiti, where unemployment is estimated to affect 50 percent or more of the available work force, and where employers still question the legitimacy of unions, due, in most cases, to the imprecision of the labor law.

c. Prohibition of Forced or Compulsory Labor

The Haitian labor code prohibits forced or compulsory labor. There were no charges of forced or compulsory labor in 1988.

d. Minimum Age for Employment of Children

The minimum age for factory employment is 12 years. Fierce adult competition for jobs ensures that child labor is not a factor in the industrial sector. In both rural and urban areas, children often work at odd jobs to help supplement the family income.

e. Acceptable Conditions of Work

The labor code, revised in 1984, governs individual employment contracts, protects apprentices and women, and establishes minimum health and safety standards, particularly for hazardous occupations. The code sets the normal workday at 8 hours, and the workweek at 48 hours, with 24 hours' rest on Sunday. The code provides for paid annual leave of at least 15 consecutive working days. Workers may take up to 15 days' annual sick leave. The current daily minimum wage prescribed by law is $3.00 in Port-Au-Prince and $2.64 in the rest of the country. The minimum wage is adequate to support most workers in Haiti, a country where the majority of the population subsists on much less.

The Government has not systematically enforced labor laws regarding wages and minimum safety regulations, but the industrial sector generally adheres to at least minimum standards. Many Haitians support themselves by taking such work as they can find, e.g., domestic service, or street peddling. Artisans are generally self-employed. For these marginally employed workers there is virtually no safety net between them and abject poverty. There are few educational, health, hygienic, public housing, or other social services available to the average Haitian, particularly outside of Port-Au-Prince.

HONDURAS

Honduras is a constitutional democracy with a government composed of three separate and equal branches, the executive, the legislative, and the judicial. During 1988 increased social tension placed great demands on the country's still developing democratic institutions. Political parties conducted nationwide internal party and primary elections. Despite deeply rooted partisanship and the approach of the 1989 general election, there was remarkably little violence generated by political competition. The historically dominant military institution demonstrated continued support for civilian rule.

Internal defense is the responsibility of the Armed Forces, which includes the public security forces. The Armed Forces is under the direct command of the Chief of the Armed Forces and is responsible to the President of the Republic and operates under full civilian control.

Honduras is a poor and underdeveloped country: unemployment is about 10 percent, and underemployment is considerably higher; about half of the adult population is illiterate; and annual per capita income is slightly less than $800. Honduras achieved an increase in real per capita income in 1987 for the first time in almost a decade. The officially announced rate of inflation in 1987 was 2.5 percent, but is expected to be higher in 1988. Honduras continues to face serious fiscal and balance of payments deficits that threaten the stability of the economy.

In 1988 there were increased levels of criminal violence, exacerbated in part by a growth in urban slum areas. Members of the security forces in several cases appear to have been linked to extrajudicial killings and violence. There was also an upsurge in violence attributable to leftwing subversive or guerrilla organizations, including a number of attempted bombings, three assassinations, and an attack on U.S. military personnel. The Peace Corps headquarters in Tegucigalpa was bombed in December, fortunately causing no injuries. Although there was concern over a new private anti-Communist organization formed in early 1988, the goal of which appeared to be the public identification of persons it labeled Communist, that organization has thus far not been associated with violence against any of the persons so labeled.

Most of the human rights abuses committed by the public security forces (FUSEP) involved the use of excess force against prisoners and detainees. The security forces were criticized for their reluctance to publicize proceedings against members charged with abuses. Although the police dishonorably discharged a number of agents in 1988 for abuses of authority, the failure to provide details on the types of abuses involved or the action taken in particularly controversial cases detracted from the overall effort by the security forces to demonstrate concern for human rights.

A number of constitutional rights were partially suspended for 15 days following a violent attack on the U.S. Embassy on April 7 and related disorders elsewhere in Tegucigalpa and San Pedro Sula. The suspension affected freedom from incommunicado detention, freedom of association and assembly, freedom of movement, freedom from arrest or detention without judicial order, and the right to bail. Also, on April 8, all private radio and television broadcasts were suspended for

approximately 36 hours, reflecting the authorities' concern that public disorders were being incited by the media. The latter measure was particularly controversial and criticized as both unnecessary and unjust. The print media were not affected by the suspension.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Despite charges by some groups of government involvement in killings alleged to be politically motivated, no evidence that supports these assertions was provided. One assassination in January 1988, apparently carried out by elements of the radical left, involved a senior inspector of the National Department of Investigation (DNI), Jose Isaias Vilorio Barahona, who was shot at a Tegucigalpa bus stop on January 5. Vilorio's body was draped with the banner of the Popular Liberation Movement (Cinchoneros), and a communique subsequently received by the media stated that this group was responsible for the attack. Leftist organizations, however, charged the Armed Forces with responsibility on the theory that Vilorio, scheduled to appear at the Inter-American Court of Human Rights (IACHR) in a case against Honduras, was a threat to the Honduran military. Vilorio was a 20-year military veteran whose testimony had been expressly authorized by the Armed Forces and who had publicly voiced satisfaction at the opportunity to defend his institution and country. His testimony was expected to exonerate Honduras. The murder of Vilorio, who had been accused of involvement in the disappearances of radical leftists and guerrillas in the early 1980's, resembled that of another victim of guerrilla assassination several years earlier who had been the subject of similar accusations.

A double assassination on January 14 claimed the lives of Miguel Angel Pavon, the head of a regional branch of the nongovernmental Committee for the Defense of Human Rights in Honduras (CODEH) and a friend, Moises Landaverde. Pavon had testified against Honduras in the IACHR in 1987. The two were shot and killed by one or two unidentified men while sitting in a parked car. The investigation remains open, and there have been no announced leads to the identity of those responsible. Some human rights activists claim Pavon was a target of government vengeance for his testimony; other observers assert that private motivations, including intra-CODEH rivalry, were involved. In October Hector Vasquez, an associate of Pavon and former legal advisor to CODEH, publicly accused CODEH president Ramon Custodio of complicity in Pavon's death. (Vasquez was ousted in June 1988 after denouncing Custodio for misuse of CODEH funds.)

A political motive may have been a factor in other killings. One instance involved Marco Tulio Perdomo, who in May 1988 was shot and killed in his home in La Entrada, Department of Copan. According to press reports, the family had been falsely accused by personal enemies of involvement in subversive activities. The result was a raid on the home by elements of the Armed Forces during which Perdomo was killed. Although admitting that they had opened fire when the residence was attacked, the family claims that Perdomo was deliberately murdered after being handcuffed.

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During 1988 the press reported a number of cases in which members of the security forces apparently were responsible for the deaths of persons either in violent quarrels or for personal motives. In many instances, the accused parties were arrested and bound over for trial. As the military typically does not comment on such matters, it is unknown what further action, if any, has been taken in those cases. One highly publicized case of personally motivated killing remains unresolved. The case involved Jorge Andres Sanchez Sanchez, who reportedly murdered a relative of a member of the Armed Forces in a brawl and was immediately detained by the police. His body, with various stab wounds, was later discovered outside of Tegucigalpa. No known action has been taken against those involved in the arrest.

In 1988 there were two known cases of probable serious abuse that resulted in death. Soldier Jose Lito Aguilera Cordova, an alleged deserter from the Special Forces, reportedly was arrested and held for interrogation, possibly on suspicion of subversion. The family and press agree that he died as a result of trauma induced by severe beating. An investigation was ordered by the Armed Forces, and a case opened in the military tribunal, but no findings have been published.

In another case, Juan Angel Bautista was arrested and jailed on February 18. He was reported the following morning to have committed suicide in his cell by having submerged his head in a toilet. However, his family charged that his body showed signs of beating and strangulation.

In most instances in which members of the Armed Forces have been involved in questionable killings, the military has refused to comment on its disciplinary procedures.

There was an apparent increase in 1988 in the number of victims (often unidentified) of violent killings by unknown persons. As of late December, 174 such cases had been reported in the press. Of the 174, 60 cadavers were never identified, and 17 were identified in the press as known repeat criminal offenders. In eight cases, the press reported that the victims had been detained shortly before their deaths by members of the police force, charges denied by the police.

The police have been openly and sharply critical of the frequency with which the judicial system has released those widely acknowledged to be criminals. According to police statistics, of 9,695 "known" criminal offenders turned over to the courts between January and September, 5,565 were released. The general public has also expressed concern over violent crime in periodic calls for the security forces to take "more stringent" anticrime measures.

In response to concerns over possible involvement of the authorities in killings of criminals, the National Congress on September 13 passed a resolution calling for an investigation. FUSEP Commander Colonel Riera Lunatti followed with his own order for an investigation into the killings. He did not rule out the possibility that individual agents had exceeded their authority and promised to take punitive measures against any agents found to have been involved. No results of this investigation had been announced by year's end.

Similarly, no results were announced of the judicial inquiry into the cases of Juan Angel Caballero and Roberto Ortiz,

whose deaths at the hands of the police in September 1987 generated considerable controversy.

One factor which in 1988 complicated efforts to determine the incidence of serious abuses by the security forces was the use by common criminals of military/police uniforms and identification in the commission of crimes. Towards the end of the year, the number of such crimes increased noticeably, including major robberies and the seizure of weapons from private guards. A number of arrests of such criminals were made during the year. In some instances, those involved in such activities turned out to be ex-members of the military or security forces, many dishonorably discharged for abuses committed while in service.

b. Disappearance

There was one allegation in 1988 of a politically motivated disappearance charged to the authorities. Roger Samuel Gonzalez, suspected of involvement in the attack on the U.S. Embassy annex on April 7, disappeared from downtown Tegucigalpa nearly 2 weeks after the incident. According to witnesses, Gonzalez was forced into a car by two men and a woman, all dressed in civilian clothing, after which he never reappeared. Friends and family charged that Gonzalez was abducted by members of the security forces. Shortly after Gonzalez' disapppearance, an Armed Forces spokesman stated publicly that the youth had been detained by the National Department of Investigations (DNI). The spokesman later retracted the statement, explaining that he had assumed that Gonzalez was one of 14 youths arrested for their part in the April 7 riot. (All 14 youths were released in June.) The Armed Forces subsequently denied that Gonzalez was taken into custody. The Court accepted six writs of habeas corpus on Gonzalez' behalf, and detention facilities were opened to inspection to no avail. The Armed Forces suggested that Gonzalez fled the country clandestinely; critics insist that Gonzalez was detained and killed. The case has yet to be resolved.

The security forces' illegal practice of incommunicado detention led to a number of inaccurate charges of disappearance. One such case involved convicted thief German Hernaldo Castellanos, who was detained by security forces in late 1987. In January 1988, CODEH charged that Castellanos had been captured and murdered by the authorities. The security forces claimed that Castellanos had escaped from detention, and began a search which eventually located him in Catacamas, Olancho, where he had taken up with a band of cattle-rustlers.

Several disappearances and kidnapings have been charged to members of Nicaragua's Sandinista Popular Army (EPS) operating in Honduran territory, including that of a Honduran farmer, Pablo Landero Cerrato, in February and two Honduran farmers, aged 46 and 17, in August. Their whereabouts are unknown. In June two Honduran soldiers, Alberto Moncada Miranda and Gustavo Adolfo Calix Romero Miranda, were seized by an EPS element and imprisoned in Nicaragua. Despite efforts by the Honduran authorities to obtain their release, the Sandinista regime agreed to free only one, claiming the other was a Nicaraguan. The offer was refused by the Honduran authorities, and the two remain prisoners in Nicaragua.

HONDURAS

The IACHR in a July 29 decision, ruled that government agents were responsible for the disappearance of Manfredo Velasquez Rodriguez in September 1981. The Government denies complicity but has accepted the Court's decision and agreed to pay compensation. (See Section 4.)

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The use of torture is prohibited by the Constitution. In June 1988, FUSEP officially adopted a United Nations-approved code of conduct for law enforcement agencies which prohibits torture and commits the police force to actively oppose violations by individual agents. Despite this policy and the expressed will to eliminate the practice and punish offenders, abuse of prisoners and detainees continues to be common. By far the most routine form of abuse is physical beating, occasionally severe. In several 1988 cases, detainees charged that they were subjected to electric shock; others claimed to have had a hood placed on their heads during questioning. In one case the son of a policeman was reportedly tortured by having lighted cigarettes applied to his back, the results of which were clearly visible in press photographs.

In a few cases of physical abuse, those responsible are known to have been dishonorably discharged or arrested and charged. The actual number of security agents punished for such abuse, however, is unknown because information on most cases is not made available by either the Armed Forces or FUSEP.

In an effort to address the problem, FUSEP in 1989 will initiate a human rights training program that will begin with theoretical training provided to key officers at the Inter-American Institute for Human Rights in San Jose, Costa Rica. Using these officers as a core training cadre, a very basic program in human rights will be developed, with U.S. assistance, for incorporation into police basic training.

d. Arbitrary Arrest, Detention, or Exile.

Under Honduran law, a person may be arrested only with specific court authorization in the form of an order of arrest and must be informed clearly of the grounds of arrest. The suspect may be held no longer than 24 hours by security forces before being turned over to the court, where evidence supporting legal processing is reviewed. Within 6 days, the court is obligated to order either the release of the detainee or his remission to a penal center pending trial. Bail is both available and widely used.

Despite these legal provisions, the police and other elements of the security forces reportedly carried out a number of detentions without judicial order in 1988, although reliable statistics are not available. The police appear frequently to violate the 24-hour rule, often holding detainees for questioning for as long as 3 days, in some cases considerably longer. The police publicly admit violations of the 24-hour rule, but attempt to justify the practice on the grounds that the limit is insufficient to allow the compilation of evidence necessary to ensure a proper trial of the suspects. The rationale is not accepted by the judiciary, but absent changes in the law enforcement system--especially the upgrading of investigative services--the pattern of violations is likely to continue.

In several cases, detainees arrested for alleged common crimes complained that they were questioned regarding possible subversive affiliations or acts. In one highly publicized case, an Argentine accused of murdering a police officer and extorting Honduran physicians was held over a month and allegedly beaten before being turned over to the court.

In a case in mid-October, seven men from near the southern town of Choluteca were improperly detained during what the Armed Forces originally stated was a recruitment drive and were held incommunicado for several weeks. After allegations of disappearances were made by family members and human rights groups unaware of their whereabouts, the Armed Forces in November acknowledged their detention on charges of involvement in military espionage. The Government said that the men will be tried for treason, specifically for spying on behalf of Nicaragua.

The prevailing pattern seems to be compliance with the writs of habeas corpus. However, a common charge is that compliance with writs of habeas corpus is avoided by moving detainees from one facility to another.

There have been no cases of forced exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

All trials in Honduras are public; there are neither secret tribunals nor political prisoners. The law provides for the equal application of justice and the fair trial of accused persons. Persons accused of a crime have the right to an initial hearing by a judge to assess the merits of the charges, to bail, and to an attorney--provided by the State if necessary. The defendant also has the right to an appeal and is considered innocent until proven guilty.

Despite the comprehensiveness of the law in the matter of fair trial, in practice these rights are often infringed. One serious inequity of the judiciary is the absence of a public defender system to handle the cases of the many indigent persons accused of violations of the law, most of whom consequently fail to receive a timely hearing and sentence. The Government failed to provide the funding to implement its official order in late 1987 that the courts provide state-hired attorneys for the poor. Instead, private organizations tried to meet the demand by volunteering their own legal services for the indigent. The National Autonomous University of Honduras (UNAH) already had a program in place in Tegucigalpa, and at the start of 1988 the Private University of San Pedro Sula inaugurated its own program in the country's second-largest city. The Catholic Church in 1988 announced a program to provide to the poor the services of three attorneys in each diocese.

In July the Government announced that 15 percent of those held in the nation's penal centers had been sentenced (only a slight improvement over the 12 percent figure cited in July 1987), 10 percent are in process, and 75 percent are awaiting trial. Part of the problem lies with the courts, which continue to face a backlog because of personnel shortages. The lack of a judicial investigative system to assist in and expedite decisions has also contributed to the backlog, according to judges.

Detentions pending trial are often long-term; in one publicized case, a man accused of petty theft was still in prison in mid-1988, 8 years after being turned over for processing. The Ministry of Government has announced that it will contract a number of attorneys at the start of 1989 to assist judges in moving long-delayed cases through the system.

Despite the constitutional provision for a judiciary equal to, and independent of, the other branches of government and the Supreme Court's efforts to appoint lower court judges impartially, politics plays a large role in the functioning of the judiciary. Political influence, as well as corruption, is generally acknowledged to be prevalent in the lower courts, where judges have no tenure. Various charges of improper influence on decisions surfaced during 1988. In one controversial matter, a judge in the Tela (north coast) criminal court was removed by the Supreme Court on grounds that he was violating jurisdiction by trying virtually all of the country's drug-trafficking cases in his court, with the support of the Armed Forces. The judge defended his position by noting that no other court was handing down convictions against the accused.

Efforts are under way to address the weaknesses of the judiciary. In 1988 a career judicial system was initiated under which 10 percent of new justices of the peace will be selected on a competitive merit basis. Unlike their colleagues, those selected in this program are to enjoy unlimited tenure, being subject to removal only with due cause. A judicial board will be established to review dismissals for merit and assess charges of judicial misconduct. A "judicial college" is being established to train judges. The judiciary is considering the limited adoption, in criminal cases, of the jury-trial system, as well as the establishment of a judicial police as an investigative arm of the courts, gathering evidence for cases before the court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government respects the constitutionally protected rights to personal and family privacy and the inviolability of the home and private communications. Telephonic and written correspondence is generally free from monitoring although, as provided for by law, official review of such communications may be authorized by judicial order for specific purposes, such as criminal investigations or national security. Similarly, private homes may be searched only on the basis of a judicial order, with the exception of "urgent cases" in order to "impede the commission of crimes or avoid grave harm to persons or property." There were no known violations of these rights during 1988.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press, rights that are vigorously exercised in Honduras. Political opinions ranging from far left to far right are freely expressed in print media reporting, editorials, and letters from the public, and in television and radio broadcasting. All of the electronic communications media (there are over 100 radio and 4 television stations) are privately owned, as are

the print media. Criticism, frequently harsh, of the Government and the Armed Forces is routine. Despite occasional sharp exchanges between the media and government officials, there were no known efforts by the authorities to take reprisals against the media for the expression of opinion.

Following the April 7 rioting, the Government announced a 15-day state of emergency and suspended radio and television broadcasting for approximately 36 hours. The Government cited as justification an assertion that the media had incited the listening audience to public disorder, a charge heatedly denied by owners of the broadcast systems. The suspension was harshly criticized as unnecessary, unjust, and an abuse of power.

The Government and the Armed Forces respect academic freedom. Academic and political organizations abound in the University and secondary schools. Many are well to the left of center politically or affiliated with radical left groups.

b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly for political, religious, or other purposes is clearly spelled out in the Constitution. No prior authorization or permit is necessary for such assembly, although large outdoor gatherings in public places may require a permit for "the sole purpose of guaranteeing public order." Peaceful assembly was prohibited during the 15-day state of emergency following the April 7 riot, and only in the two major cities of Tegucigalpa and San Pedro Sula where the major disorders had occurred. Following the lifting of the prohibitions, antigovernment and other demonstrations were carried out on a relatively routine basis without impediment.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Predominantly Roman Catholic, Honduras has no state religion. All forms of religious expression are constitutionally protected, and foreign missionaries operate in many parts of the country. The Constitution contains an express provision that no minister of any religion may hold public office or engage in political propaganda based on religious motives or beliefs.

There is no attempt to control or impede the free expression and proselytization of religious beliefs in Honduras, but the clergy is not immune from deportation, detention, or prosecution for secular offenses. In 1988 two U.S. citizen priests were deported because of suspected involvement with subversive or guerrilla organizations, while a third, deported in 1980, was allowed to return to Honduras.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Hondurans are normally unimpeded in entry to or exit from Honduras and also travel freely within the national borders. In locations near the border with El Salvador, security concerns related to the movements of Salvadoran guerrillas have led to the imposition of a 9 p.m. curfew. There are no permanent travel restrictions for Hondurans or resident

foreigners, although national security concerns have led to increased police checks for personal identification.

Exit visas are required to leave Honduras and constitute a form of control over international travel. They are nearly always granted without dispute unless the applicant is wanted in connection with a crime.

Hondurans returning from Communist or Arab nations may be questioned at length about their travels, and any Honduran found to be involved with terrorist groups abroad is subject to prosecution. Citizens of all Communist and most Arab nations need special permission to enter Honduras.

Honduras has been generous in offering asylum to refugees. During 1988 there were relatively few additions to the officially documented refugee population newly arrived from neighboring countries. Additions to the refugee camps under the protection of the United Nations High Commissioner for Refugees (UNHCR) continued to come from persons who had entered Honduras in previous years. Approximately 3,000 Miskito Indians moved from their homes along the Nicaraguan border into UNHCR settlements; approximately 2,300 Ladino Nicaraguans moved from southern Honduras into the UNHCR camp at Las Vegas.

By the end of the year, an undetermined but significant number of refugees from Nicaragua had entered Honduras, including relatives of Nicaraguan resistance combatants. Other Nicaraguan civilians living in the areas of resistance operations also fled as Sandinista security forces intensified punitive measures against those considered sympathetic to the antiregime forces.

There are now 13,300 Salvadorans, 430 Guatemalans, 13,500 Nicaraguan Ladinos, and 9,600 Nicaraguan Indians in refugee camps managed by the UNHCR. Local press reports place the total number of unregistered Nicaraguans as high as 200,000, but refugee experts estimated the number at 70,000 prior to the most recent influx.

There was continued voluntary repatriation in 1988. Nearly 8,000 Nicaraguan Indians repatriated, as did 250 Nicaraguan Ladinos. In addition to the mass repatriations to El Salvador of 1,200 Salvadoran refugees on August 14 and 750 more on November 5, 450 other Salvadorans took advantage of individual voluntary repatriation from the three Salvadoran refugee camps.

Serious protection problems continued in the Salvadoran refugee camps. Credible sources report that refugee coordinators (themselves Salvadoran) linked to the Salvadoran antigovernment insurgents continue to engage in forced recruitment and kidnaping of youths for the Faribundo Marti National Liberation Front (FMLN). They are reported to use their control over the distribution of food and clothing to discourage voluntary repatriation. In May two repatriating refugees were forcibly held for several weeks by the coordinators in San Antonio, during which time they were reportedly beaten, drugged, and forced to recant their desire to repatriate. One man escaped and the other was subsequently released; both men eventually repatriated to El Salvador. In July a mob organized by refugee leaders attempted to lynch a refugee accused of being "antisocial." One refugee coordinator was knifed and bled to death. The crowd then attacked the family of the intended victim. The timely

intervention of UNHCR officials and doctors from Medicin Sans Frontieres (MSF) prevented further fatalities, although three of the family members were hospitalized for several weeks.

The President of MSF announced November 15 that the group, which had maintained a 20-man mission in the camps for 8 years, had decided to withdraw by the end of 1988 owing to the repressive influence of the coordinators. An Agence France Presse report on December 1 compared the camps to "concentration camps" for the same reason.

There have been two instances in which Salvadoran refugees were killed by the Honduran military patroling the perimeter of the camps. In both cases the men were reportedly outside the camps at the time they were shot and in both cases the Honduran military charged they were engaged in subversive activity. A third Salvadoran was shot while working in the corn fields of Mesa Grande by a Honduran soldier outside the camp.

There has been one report of rape and several reports of harassment by Honduran military personnel who patrol the environs of the Nicaraguan Ladino camp at Jacaleapa. Honduran immigration authorities have summarily deported or expelled four refugees from the Jacaleapa camp. Unconfirmed, but credible reports indicate that expulsion and deportation of Nicaraguans is a common practice in the department of Choluteca, where a large number of undocumented Nicaraguans reside. Some deported Nicaraguans were alleged to have been long-term residents.

There was a report that 22 Nicaraguan Miskitos living in the border village of Sauvin were detained by the Honduran Army in April. According to the report, the detainees were held incommunicado, interrogated, and physically abused. After 7 days, 17 of those detained were released. The whereabouts of the other 5 remained unknown at year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Honduras is a constitutional democracy with a republican system of government composed of three equal and separate branches, the executive, the legislative, and the judiciary. National and municipal governments are chosen by free, secret, direct, and obligatory balloting every 4 years. A president may serve only one term; any vice president (there are three) who serves, even on an interim basis, as acting president is prohibited from running for the office of president. All Honduran-born citizens have the right to hold office (if they meet minimum age requirements), except for members of the clergy and the Armed Forces.

Women enjoy full rights to participate in politics and government, but few hold senior legislative or executive positions.

Electoral reforms in 1986 provided for mandatory elections of internal party officers and primary elections for the selection of candidates for public office. By the end of 1988, three of the four parties had complied with the internal elections requirement. The two major parties also participated in the country's first national primary election on December 4 in which candidates for the presidency, the vice presidency, the Congress, and municipal government office were selected.

The National and Liberal parties between them received 94 percent of the vote in the last election. The two other parties, both left of center in orientation, are the National Innovation and Unity-Social Democratic Party and the Christian Democratic Party. In order for a new party to obtain legal status, its organizers must present a petition of 10,000 signatures of members. If a party fails to gain that same minimum number of votes in any election in which it participates, it loses legal status.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government cooperates with local and international human rights organizations, and the President frequently meets with delegations of human rights activists from abroad. The governmental Inter-Institutional Commission on Human Rights handles both domestic and international inquiries concerning human rights. It also receives visitors interested in the human rights situation in Honduras. The Commission has expressed an interest in expanding its operations to include at least one regional office and several investigators.

The Government agreed to participate as defendant at the IACHR in San Jose, Costa Rica, in that organization's first trial of a state for alleged disappearances. The disappearances involved in the case took place in 1981-84. Despite widespread popular resentment of the process, considered to be an unfair singling out of Honduras, the Government presented its defense and accepted the verdict handed down in July 1988 in one of three cases before the Court. The Government is currently considering the most appropriate form of indemnification to the family, as ordered by the Court.

The communications media affords ample opportunity to critics of Honduras' human rights record to express their opinions and air charges. The most well-known of the nongovernmental organizations is the Committee for the Defense of Human Rights in Honduras (CODEH) and its Central American-wide affiliate, CODEHUCA. Despite a number of genuine efforts on behalf of human rights, CODEH's charges frequently have been exaggerated and ill-documented, and in some cases false. Many observers in Honduras consider the group to be highly politicized and affiliated with leftist groups and causes. CODEH's reputation for impartiality and veracity was further questioned in 1988 when it charged that Honduran security forces in 1987 had carried out 107 "extrajudicial executions." A U.S. Embassy review of the accusations, based on the sources of information cited by CODEH, concluded that among the cases labeled as extrajudicial executions were traffic accidents, murders by foreigners and civilians, and various killings committed by individual members of the Armed Forces for personal motives or in self-defense. Of the 100 cases reviewed, 11 did appear to be extrajudicial killings. CODEH has charged that Honduran security forces carried out 133 extrajudicial executions--apart from questionable deaths of repeat violent criminal offenders--in the first 9 months of 1988, but it has failed to provide substantiating information.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution expressly prohibits discrimination on the basis of sex, race, class, or any other basis. Education is

equally available to both males and females, but in practice because of strongly-held cultural values and attitudes, women are limited in some careers, and average earnings for females are significantly lower than for males. There is, however, no overt official discrimination. Ethnic minorities, while enjoying full equality under the law, continue to be the object of some social discrimination.

Section 6 Worker Rights

a. The Right of Association

Workers are free to organize themselves into labor unions, and many large enterprises have a unionized labor force. In addition, associations of employers and other interest groups are common. Retribution for trade union activity is uncommon.

The right to strike, along with a wide range of other basic labor rights, is provided for by the Constitution and honored in practice. Some strikes have been declared illegal because of failure to observe an obligatory three-part mediation procedure before striking or because of impact on the provision of vital services. In the case of workers involved in the latter category, Ministry of Labor-supervised negotiations provide some protection to workers' interests. Under Honduran practice (but not law), if a strike is legal, lost wages are often paid by management; if illegal, wages are not paid.

The two democratic labor organizations have historically avoided partisan political affiliations and focused their influence more on economic than political issues. However, individual democratic labor leaders were included on the candidate lists for the 1989 elections, and were expected to campaign while retaining their union positions. Since politicians actively seek support from the rank and file of the democratic federations, the latter have demonstrated effective political influence, especially on labor-related issues. The Unitary Federation of Honduran Workers (FUTH) is actively involved in partisan political activities and pursues an agenda closely paralleling that of other Marxist unions in the region.

Honduras' trade union movement maintains close ties with international trade union organizations. The largest union group, with 160,000 members, is the Confederation of Honduran Workers (CTH); it is an affiliate of the International Confederation of Free Trade Unions (ICFTU). The second largest, the General Workers Central (CGT), claims 135,000 members; it is affiliated with the World Confederation of Labor. FUTH is affiliated with the World Federation of Trade Unions (WFTU). The three labor organizations claim to represent about 20 percent of all Honduran workers, including a substantial number of peasants and rural laborers.

Honduras has cooperated with the International Labor Organization in several pending cases. It has also responded to inquiries made by the ICFTU.

b. The Right to Organize and Bargain Collectively

The right to organize and to bargain collectively is protected by law and observed in practice. The prevalence of unionized labor in the workplace and its political influence acts as a

further guarantee against antiunion discrimination or pressures.

Chapter V of the Honduran Constitution spells out in detail the rights of workers, further delineated in legislation. Those rights and guarantees are jealously guarded by the powerful union movement which is not hesitant to make use of the legal system to enforce observance.

The free trade zones are governed by the same labor regulations as the rest of private industry. Employment conditions in the export processing zones are considered superior to the national average.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Honduras; such practices are prohibited by law and by the Constitution.

d. Minimum Age for Employment of Children

The Constitution and the labor code prohibit the employment of children under the age of 16. The Government has inspectors to ensure that childen are not employed by industry at night or under hazardous conditions. Violations of the labor code may occur in rural areas or in small companies. Rampant unemployment and underemployment has resulted in many children supplementing the family income by working in small family farm plots or as street vendors. The Government does not enforce child labor laws in these situations.

e. Acceptable Conditions of Work

The Constitution and the labor code require that all labor be fairly paid; minimum wages, working hours, vacations, and occupational safety are all regulated by law. The daily minimum wage varies by occupation, ranging from $2.30 to $3.55 per day. This minimum wage does not provide a decent standard of living, and many households must pool family members' salaries to survive. A commission has been formed to assess the minimum wage, which has remained the same since 1980.

The standard work day is 8 hours; a standard week is 44 hours. Although the labor code provides for a paid vacation of 10 workdays after 1 year and 20 workdays after 4 years, the regulations are frequently ignored in practice as a result of the high level of underemployment.

JAMAICA

Jamaica, a member of the British Commonwealth, is a constitutional parliamentary democracy. A Governor General, appointed by the Crown on the advice of the Prime Minister, represents the Queen as head of state, while the elected Prime Minister, the leader of the majority party in Parliament, is the country's chief executive. The Parliament is comprised of an elected House of Representatives and a Senate appointed by the Governor General.

Two major political parties have alternated in power since the first elections under universal suffrage in 1944. The Jamaica Labor Party (JLP) has held the majority in Parliament since 1980. The maximum length of a parliament is 5 years, and the Constitution requires that a general election be held no more than 3 months after dissolution of parliament. The last election, held in December 1983, was boycotted by the People's National Party (PNP) because of a dispute with the JLP over timing. Consequently, the JLP won all 60 seats in the House of Representatives. The JLP has attempted to compensate for the absence of parliamentary opposition by appointing some independents to the Senate.

The security forces are directed by the Ministry of National Security and consist of the Jamaica Constabulary Force (JCF-police), the Jamaica Special Constabulary Force (JSCF), and the Jamaica Defense Force (JDF). The JDF includes infantry units, an air wing, and a coast guard and has regular and reserve elements. Since 1974 the JDF has been authorized to conduct joint operations with the JCF to maintain peace and order under the Suppression of Crime Act.

Jamaica has a mixed economy emphasizing the private sector and based on tourism, bauxite and alumina production, light manufacturing, and agriculture. The Seaga Government, which took office in 1980, implemented sweeping economic reforms and promoted private investment, both domestic and foreign, to stimulate economic growth and modernization.

In 1988 human rights were generally respected in Jamaica, but domestic and international human rights advocates, as well as Jamaican officials, such as the parliamentary Ombudsman and, on occasion, the police commissioner, have criticized the police for excessive use of lethal force. This continues to be the country's most persistent human rights problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Officially sanctioned murder of political opponents does not occur in Jamaica. However, some violent crime has political overtones. Both major parties, as well as the Communist Workers Party of Jamaica, have some supporters who occasionally resort to violence to prevent supporters of rival parties from engaging in legitimate political activities, such as voting, and to punish those believed to have harmed their party's interests. The legal system has often been ineffective in dealing with cases of presumed political killing because of a code of silence adhered to by suspects, victims, and witnesses alike. Intimidation of witnesses also complicates efforts to prosecute offenders.

JAMAICA

Violence aimed at disrupting the political process is heightened during elections. A government-appointed independent commission to investigate electoral irregularities recommended in 1986 that the JDF, rather than the police, patrol areas historically prone to political violence. The JDF is perceived by Jamaicans as best equipped to take effective action in such areas.

As a further step, the two major political parties engaged in 1988 in talks aimed at defusing tensions between the parties and between the JLP and PNP partisans. As a result of these talks, the two party leaders on August 26, in the presence of the Governor General, signed a "political code of conduct" intended to reduce election-related violence. An ombudsman was appointed to monitor compliance with the agreement and to report violations.

b. Disappearance

There is no evidence of abduction, hostage-taking, or disappearances perpetrated by the security forces. However, using their power to take persons into custody without an arrest warrant, granted under the Suppression of Crime Act, the JCF has on occassion held persons suspected of criminal activities incommunicado for short periods. In nearly all these cases, once relatives or associates of the detainee protested, the person was released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Government does not sanction or condone the use of torture. Nonetheless, suspected criminals are often beaten or mistreated by police while being held in local stations. In 1988 there were several reports of beatings by warders and security personnel of inmates held in government prisons. In past years, some persons have brought suit successfully against the police for unlawful actions, and the Government has been required to pay damages.

The incidence of violent crime is high in Jamaica. Police actions, particularly instances of excessive use of lethal force in dealing with suspected criminals, have occasionally caused local protests. In 1988 large-scale searches for escaped criminals led to some complaints of brutality. The parliamentary Ombudsman and the Commissioner of the JCF have commented publicly on the need for qualitative improvement in police performance, particularly more selective recruitment and better training. According to police statistics, officers killed 100 persons in "gun confrontations," 35 in "other incidents," and 6 by accident in 1988 through the end of September. Five police officers were killed in the line of duty during the same period.

Armed commercial guard forces, which have proliferated in recent years, have also been the subject of complaints. Guard forces often hire less qualified applicants than the police and provide less training. The Government is now drafting legislation requiring licensing and standardized training for commercial guard forces.

Lynching of individuals suspected of theft, stealing livestock or crops, housebreaking, or rape occurs with some frequency in Jamaica. Such incidents are reported in the media, but prosecutions of vigilantes are rare.

d. Arbitrary Arrest, Detention, or Exile

Under the Suppression of Crime Act, which has been regularly extended at 6-month intervals since its adoption in 1974, security forces do not need a warrant to detain persons "reasonably" suspected of having committed a crime. Although the Act was conceived as an extraordinary measure, security forces have come to rely on it extensively. Detention of suspects without a warrant occurs regularly, particularly in poor neighborhoods.

Police must record detentions and are responsible for ensuring that detainees appear before a member of the judiciary within 24 hours of detention. However, there have been instances of detainees being held for 2 weeks or longer without being brought before a judicial officer. Many detainees are unaware of their right to timely judicial review of the grounds for their detention. The Jamaica Council for Human Rights indicates that 90 percent of its caseload involves assisting people attempting to locate and gain the release of detained family members. The Council reports that supervisory police officers have been more cooperative in recent years in providing information about detained persons.

For suspects charged with a crime, there is a functioning bail system. Bail is set by the local police supervisor in minor cases; a judicial officer sets bail for those charged with more serious crimes. Persons unable to make bail while waiting for a judicial hearing are often detained for long periods. Outsiders are permitted access to the accused.

There are no political prisoners in Jamaica. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Persons who have been charged with criminal offenses have access to legal representation, and legal counsel is provided to indigents in criminal cases. The Court of Appeal and the Parliament may refer cases to the Judicial Committee of the Privy Council in the United Kingdom. The judicial system, though independent, is overburdened and operates with inadequate resources. Some cases take years to come to trial, and others have had to be dismissed because case files could not be located.

In addition to the regular courts, a Gun Court was established in 1974 as an extraordinary measure for dealing with violent crime. The Gun Court considers all cases involving the illegal use or possession of firearms and ammunition. There are restrictions on public attendance, and less stringent rules of evidence are used. In capital cases, hearings before the Gun Court serve as preliminaries to jury trials under the jurisdiction of the Supreme Court. The 1983 Gun Court Amendment Act eliminated several of the special exceptions to normal judicial rules and procedures which had previously applied to the Gun Court.

According to the Jamaica Council for Human Rights, one of the weakest areas of Jamaican justice is the inability of the police to provide witnesses with proper protection. Intimidation, even murder, of witnesses is a chronic problem hampering criminal prosecutions, and jurors are sometimes threatened by associates of criminal defendants. The parliamentary Ombudsman reported instances in which similar

threats and intimidation are directed against witnesses and jurors in criminal cases where the accused is a policeman. Some convictions have been obtained for such attempts to subvert the judicial system.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary intrusion by the State into the private life of the individual. Under the Suppression of Crime Act, however, search warrants are not required to enter homes or businesses believed to be occupied by persons "reasonably" suspected of having committed a crime, and this authority is sometimes abused by the police, especially in poor neighborhoods. Regulations approved by Parliament in 1980 require that every effort be made by security forces to have the owner or occupant of the premises present during any search.

In September, in the wake of Hurricane Gilbert, the Government declared a 1-month public emergency in Kingston and two adjacent parishes which were hard hit by the storm and subsequent looting. The regulations required stores to reopen and allowed the Government to requisition needed goods and services, restrict movement, impose a curfew, and prohibit assemblies judged likely to endanger public safety. The state of emergency was lifted on October 13, but a curfew remained in some urban areas until December 1.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are provided for in the Constitution and are observed in practice within the broad limits of libel laws and the State Secrets Act. Jamaica's largest privately owned newspaper, the Daily Gleaner, has been critical of Jamaican governments through the years. A new national daily, the Record, appeared in 1988 and has followed this tradition. Several smaller newspapers and magazines are also published, and foreign publications are widely available. The government-owned Jamaica Broadcasting Company (JBC) operates two radio stations and the island's only television channel. JBC typically has been accused of bias in favor of the government by whichever party is in opposition. The only other broadcasting company is the privately owned Radio Jamaica (RJR). Although the Government has an equity holding in RJR, the company is independent and its broadcasts are often critical of government policies.

The Government granted three licenses to new regional radio stations in 1988, as part of a long-planned divestiture program. The Government's broadcast commission will retain the right to regulate programming during emergencies. Divestiture plans for television have not yet been finalized. Many Jamaicans receive U.S. television broadcasts via satellite, and the Government does not impede such reception. There is no censorship or interference in academic studies or expression.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association. Large numbers and varieties of professional, business, service, social ,and cultural associations function

freely. Public rallies are staged by all political parties. Such events require a police permit, which is normally granted. The opposition PNP and the ruling JLP held rallies and meetings throughout the island during 1988. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for by the Constitution and is well established in Jamaica. More than 80 percent of the population belong to various Christian denominations, and religious groups of all kinds operate freely. Evangelical Christian movements have gained a significant following, and foreign evangelists regularly visit.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides Jamaican citizens freedom of movement and immunity from expulsion from the country. There are no restrictions on foreign travel or emigration. Citizenship is not revoked for political reasons.

Jamaica does not have a declared general policy on refugees, in part because so few individuals apply for that status. Those who apply are handled on a case by case basis. The country does not often accept asylum seekers, primarily for domestic economic reasons. Jamaica is a party to the 1951 United Nations Convention and Protocol Relating to the Status of Refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Prime Minister and his Cabinet exercise executive power. The executive takes the initiative in legislative matters and is responsible to the House of Representatives. The Constitution requires that, except under defined emergency circumstances, an election be held not later than 5 years after the first sitting of the preceding Parliament, but the Prime Minister may call national elections anytime within that period. The last national elections were held in December 1983; the next such balloting must be held no later than April 1989, but may be held before that date.

In 1986 nationwide local elections were held for parish councils. They were vigorously contested, and the campaigns focused on national issues. The PNP received 57 percent of the vote and gained control of 12 of 13 councils. The 1986 elections were largely peaceful, in contrast to the previous contested election in 1980.

In response to allegations of irregularities during the 1986 local elections for parish councils, Prime Minister Seaga appointed an independent investigative commission. In its September 1987 report, the commission recommended that security forces be deployed during future elections in historically troubled areas. In the meantime, senior representatives of the JLP and PNP have met regularly with each other and with electoral officials to try to ensure peaceful elections. Prime Minister Seaga has also met with PNP President Manley, and one important outcome was the August 26, interparty peace agreement.

JAMAICA

Both major parties conducted rallies and sent motorcades throughout the island in August and September in expectation of early general elections. A few violent incidents, mainly stone-throwing, took place as election preparations intensified, but both parties have sought to keep violence under control.

Women have full political rights under the Constitutuion, are inceasingly active in politics, and hold influential positions in the civil service and the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on human rights organizations in Jamaica. The Jamaica Council for Human Rights, the country's only human rights organization, has vigorously protested alleged abuses by the police and has called for reforms. The Council's work was hampered during the year by a lack of adequate resources, and the organization was forced to reduce its staff. An Americas Watch representative visited Jamaica in 1988 and traveled widely around the island.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Jamaican women are accorded full equality under the Constitution, and the 1975 Employment Act requires equal pay for equal work. Nevertheless, because of cultural and social traditions, women often suffer economic discrimination, which is frequently evidenced in hiring practices. Access to higher-paying jobs outside traditional "female" areas is limited, particularly in the private sector. The 1975 Act helped narrow the gap between men's and women's salaries, but disparities remain.

The Government has several programs to help women and has created a National Advisory Committee for Women's Affairs. The opposition PNP has pledged to create a Ministry of Women's Affairs, if elected.

Section 6 Worker Rights

a. The Right of Association

Article 23 of the Constitution specifically provides for the right to form or join a trade union, and other, more general articles obligate the Government to protect the person and property of trade unionists. In Jamaica, labor unions, as do professional groups and private associations, function freely. The Labor Relations and Industrial Disputes Act (LRIDA) codifies regulations of workers rights.

Unions draft their own constitutions and rules, elect officers, determine objectives, affiliate with national or international groups, and select delegates to conferences. Some Jamaican unions have joined democratic international trade secretariats, the Caribbean Congress of Labor, and the International Confederation of Free Trade Unions. The third largest labor union affiliates with the Communist-dominated World Federation of Trade Unions, and the World Confederation of Labor has attracted one Jamaican adherent. Labor and management groups select their own delegates to tripartite meetings of the International Labor organization (ILO).

JAMAICA

Jamaican law neither prohibits strikes nor provides a right to strike, but in practice unions and workers use the strike as a tool. Striking workers can interrupt work without criminal liability but cannot be assured of keeping their jobs. The LRIDA and other laws provide that certain categories of essential services workers (usually government-employed) do not have the right to strike. Such workers and their organizations may negotiate terms of employment with employers and can appeal to the higher bodies described below.

Unions have played a major role in Jamaican economic and political life since the 1930s. About 25 percent of the work force belongs to unions, and union influence is felt in all important economic sectors. Competition among unions for members heightens the quality of union representations for organized workers. The two largest unions, the Bustamante Industrial Trade Union and the National Workers Union, have organizational and leadership ties to the two major political parties, the JLP and the PNP, respectively. Both unions maintain their independence and sometimes take positions different from those of their respective parties. The third largest Jamaican union, the University and Allied Workers Union, is linked with the (Communist) Workers Party of Jamaica, whose leadership maintains direct control over the union. Jamaican laws and governmental practice do not restrict trade unions, and no allegations of worker rights violations have been reported through international or national organizations.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and belong to labor unions, and LRIDA provisions include guidelines for labor, management, and government on issues such as organizing work sites, negotiating agreements, and conflict resolution. Employees may not be fired solely because they are union officers. On the other hand, union affiliation may not be a prerequisite to employment. The Government rarely interferes with union organization efforts, and judicial and police authorities effectively enforce the LRIDA and other labor regulations.

Labor, management, and government remain firmly committed by law and in practice to collective bargaining in contract negotiations and conflict resolution. Collective bargaining is widely used, even in some nonunionized firms. When labor and management fail to reach an agreement, cases may be referred to the Ministry of Labor for arbitration or mediation. An independent Industrial Disputes Tribunal (IDT) forms the first appeal level above the Ministry. Any cases not resolved by the IDT pass to the civil courts. This system has proved effective, although unions and some employers continue to protest a 1986 LRIDA amendment, which permits the Minister of Labor unilaterally to refer cases involving the national interest to the IDT, because they fear it will undermine collective bargaining as a process.

Domestic labor laws apply to Jamaican export free trade zones. Ministry of Labor officers cite a need for more compliance verification, especially in the free zones, but believe that most employers obey legal requirements. While domestic manufacturing companies are predominantly unionized, only 2 of the 18 factories in the Kingston Free Zone have union representation. During 1988 nonunionized workers in some of these free zone plants conducted short work stoppages

to protest working conditions. Free zone employers, all foreign, have historically opposed unionization, and the Government, concerned about possible loss of jobs and export earnings, has treated the problem cautiously. Jamaica's second largest union has indicated that it intends to organize workers in zone factories.

c. Prohibition of Forced or Compulsory Labor

The Constitution does not specifically address the matter of forced or compulsory labor. However, Jamaica is a party to the ILO Convention which prohibits compulsory labor, and there have been no allegations of this practice in Jamaica.

d. Minimum Age for Employment of Children

The Juvenile Act provides that children under the age of 12 shall not be employed except by parents or guardians. Such employment may be only in domestic, agricultural, or horticultural work. Children under 12 years of age may not be employed at night or at industrial sites. The Educational Act stipulates that all children aged 6 to 11 must attend elementary school. Industrial safety, police, and truant officers are charged with enforcing the law. However, enforcement is difficult, and children under 12 are sometimes seen peddling goods or services on city streets. There is no evidence of widespread illegal employment of children in other sectors of the economy.

e. Acceptable Conditions of Work

The LRIDA establishes some basic conditions of work. The Factory Act stipulates that all factories be registered and approved by the Labor Ministry before they can begin operating. The Ministry's industrial safety division is required to make annual inspections of all factories, but budget constraints reduce the number of inspections actually made. The Ministry maintains records on industrial accident victims. If a private sector work site does not meet the definition of a "factory," the Ministry does not have the authority to inspect it.

Although based on freely negotiated settlements, government wage policy aims to keep maximum annual wage and fringe benefit increases to 10 percent or less to help contain inflation. Most wage settlements have followed this guideline, but exceptions have been made for workers with a history of inadequate pay. The Government increased minimum wage levels in a two-step process that began in June 1988 to $18.18 per week effective January 1, 1989. This amount is adequate for minimum food and shelter needs. Higher minimum wages apply to skilled workers, depending on their specialty. The minimum wage law also provides for a 42-hour standard workweek and overtime pay. The Ministries of Labor, Finance, the Public Service, and National Security enforce labor laws and regulations.

MEXICO

Mexico is a Federal Republic whose political and economic system has been dominated by the Institutional Revolutionary Party (PRI) since its founding in 1929. Periodic political reform has expanded the opposition's role and stake in the political system, particularly in the 1988 presidential election year. Nevertheless, the PRI has maintained its preponderant political control throughout the Republic by a combination of voting strength, organizational power, and, major opposition parties and other observers allege, electoral fraud.

The 1917 Constitution stipulates that power be divided among a bicameral legislature, a judiciary, and an executive. The President's powers, however, far outweigh those of the other branches in Mexico's highly centralized system. This may be changing; the PRI's slim majority in the Chamber of Deputies since September 1, 1988, may make it more difficult for the Executive branch to dominate the legislative process.

The principal law enforcement organization in Mexico is the Federal Judicial Police, which is controlled by the Attorney General. The General Directorate of Investigations and National Security under the control of the Secretariat of Government is responsible for investigations involving national security. The Mexican armed forces are represented at the cabinet level and, aside from their primary mission of national security, play an important role in the drug eradication and interdiction program and in the confiscation of illegal weapons. Despite the tendency toward centralization of authority, municipal, state, and federal police exercise authority in their respective areas of jurisdiction.

Mexico has a mixed economy, which combines elements of domestic market capitalism with state ownership of major industries (parastatals). Through a program of divestiture of some parastatals, the Government continues to increase the role of the private sector in the economy.

Mexico's Constitution provides for a wide range of individual freedoms, regardless of race, creed, color, or sex, and these provisions are, with some exceptions, honored in practice. Human rights abuses persist in a number of areas, although the Government maintains it has taken steps to improve the human rights situation. A number of observers, including Amnesty International (AI), have continued to express concern about mistreatment and torture of prisoners, and perennial rural conflicts over title to land continue to result in physical abuse, arbitrary detentions, and deaths of peasants who confront local landowners or their agents (sometimes including local police and/or military officials).

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In Mexico's rural states, especially Oaxaca, Chiapas, Veracruz, Hidalgo, Guerrero, and Puebla, disputes over land occasionally erupt in violence. The Federal Government is continuing its efforts to curb such violence, but violations continue nonetheless. Paramilitary bands, police controlled by local

political bosses, and landowners themselves are often accused of oppressing and murdering peasant activists. The Mexican Socialist Party (PMS) filed suit in January for impeachment against the Governor of Chiapas, Absalon Castellanos Dominguez, averring that landowners and landed political bosses (caciques), along with the army, ran roughshod over civil and human rights of peasants and Indians laying claim to disputed land. Though the suit quickly failed in the national legislature, it represented a benchmark for human rights activists and peasant organizations in drawing attention to such abuses.

Independent peasant organizations and the PRI-affiliated National Confederation of Peasants (CNC) have made similar charges. The independent groups continue to charge that persons employed by local caciques, as well as members of the CNC and the local police are responsible for the killings. For its part, the CNC blames fatalities in its ranks on independent unions encouraged, it says, by leftist political activists. Others, however, suggest that most CNC casualties stem from internal CNC power struggles.

Powerful Mexican drug smuggling rings have been responsible for a number of killings. Their victims have included Mexicans and foreigners. During the week of September 22, Rafael Caro Quintero, Ernesto Fonseca Carrillo, and others accused of involvement in the 1985 kidnaping and murder of U.S. Drug Enforcement Administration (DEA) special agent Enrique Camarena were convicted and sentenced on drug-related charges. Caro Quintero was sentenced to 34 years in prison, while 22 other defendants received lesser terms. On September 30, Caro Quintero's appeal of the sentence was denied. Defense attorneys told the press they might take the appeal to Mexico's Supreme Court. Kidnaping and murder charges remain pending and are being tried separately in a Federal Court in Guadalajara. Final sentences would not be subject to parole. The second trial in Guadalajara is expected to be concluded in mid-1989. Investigative work continues into a possible relationship between Camarena's murder and the 1984 disappearance of five other U.S. citizens. It appears likely that a U.S. citizen, John Clay Walker, and a U.S. legal permanent resident, Alberto Radelat, were mistaken by associates of Caro Quintero for DEA agents, and that they were beaten, and subsequently killed. There were no developments in the cases of the four other U.S. citizens during 1988.

A Mexican newspaper publisher in June stated that 16 Mexican journalists had been murdered, several of whom had written about drug trafficking. Arrests resulted in four of the cases. The Union of Democratic Journalists asserted that 29 reporters had been killed since 1982. In response, the Government Secretariat asserted that only five of the deaths "were presumably linked to journalistic activity." Journalists and other critics have asserted that while the Government cannot automatically be held accountable for the killings, it should be faulted for failing to prosecute them vigorously in an attempt to prevent further killings.

A number of as yet unsolved murders of political activists and journalists also occurred within the last year. Political motives cannot, as yet, be clearly ascribed to any of the killings, though opposition groups continue to assert such was the case. Among the more newsworthy of these crimes was the assassination in downtown Mexico City, just days before the July 6 election, of Francisco Xavier Ovando Hernandez and

Roman Gil Heraldez, two top aides to presidential candidate Cuauhtemoc Cardenas. In late August, four teenagers, one the son of a Revolutionary Workers Party (PRT) activist, were also found murdered, and Inocencio Romero, the Mexican Socialist Party (PMS) candidate for Mayor of Tezonapa, Veracruz, was shot in front of his home on September 10. In each instance, the Attorney General's office has rejected the notion of political motivation but has promised thoroughgoing investigations. By year's end, no results had been announced.

A Canadian Immigration Appeal Board granted Mexican Army deserter Zacarias Osorio Ruiz refugee status on March 25, accepting his assertion that service from 1977 to 1982 in military "death squads" which purportedly executed civilian prisoners rendered his return to Mexico impossible. Osorio also confessed to participation in military sweeps of peasants and political dissidents in the states of Sinaloa, Veracruz, Guerrero, Chiapas, and Coahuila. The Mexican Government, through its diplomatic representatives in Canada, denied Osorio's charges; in addition, it gave assurances he was not under indictment for any crime in Mexico and claimed he had no cause to fear harm or injury were he to return.

b. Disappearance

There have been credible reports of disappearances in Mexico. According to the Committee in Defense of Prisoners, the Persecuted, Disappeared Persons, and Political Exiles of Mexico, a prominent human rights organization, there are some 547 disappeared persons in Mexico. The Committee claims that from 1982 to 1988 there were 34 disappearances of persons whose whereabouts remain unknown. An additional two disappeared in 1988 but later reappeared. Human rights activists, in general, blame military and police authorities for the majority of disappearances said to have occurred, but lack firm evidence to support those charges.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Although torture is prohibited by the Constitution, credible reports from independent observers and human rights organizations continue to charge that law enforcement officials employ psychological and physical abuse, most often in the period immediately following arrest and especially during interrogation.

The Government asserts that the use of torture is illegal and unacceptable, and stresses its continuing program to recruit better trained personnel, as well as its program to provide courses to sensitize law enforcement personnel to human rights. Nevertheless, there were continued reports of the use of torture and the subjection of prisoners to inhumane treatment during 1988. For example, a Cuernavaca publisher, Victor Osorio Ventura, alleged in late September that he was arrested falsely and tortured for 10 hours by six Morelos State Judicial Police Officers. As a result, State Judicial Police Director Roberto Perez Prieto was dismissed. Subsequently, State Attorney General Gustavo Malo Camacho admitted that police resorted to illicit detention and/or torture on certain occasions.

In another case, on May 20, Mexico State Judicial Police officer Estanislao Pablo Aguilar Alcala, was tortured and later killed by asphyxiation, in apparent (though unconfirmed) retaliation for the May 13 slaying of a Mexico City policeman and the son of another. Aguilar's body was discovered in a police station parking lot. Judicial Police from the Federal District were charged with the Aguilar crime. Jesus Miyazawa Alvarez, a senior Mexico City Police official, and eight subdirectors were dismissed from their posts shortly thereafter. A large-scale overhaul of the Mexico City Police followed the incident, but the actual perpetrators remain at large.

In a formal diplomatic protest to the Mexican Government, the United States Government requested a full investigation of the alleged physical abuse and illegal detention of one U.S. citizen and the illegal detention of another. A similar protest was made in April regarding five U.S. citizens accused of drug smuggling in Chihuahua.

The United States protested to the Mexican authorities in July and again in October regarding the lack of prompt notification of arrest and the alleged abuse and possible torture of approximately 20 American citizens, the majority of whom had been arrested on drug-related charges and held by military authorities in the Puerto Vallarta area. Most claimed to have been subjected to beatings, electric shocks, sexual assaults, attempts at suffocation, and death threats. Some of the purported victims declined to discuss their cases with consular officials for fear of reprisal. There had been no formal reply to these charges by year's end.

The trial of the police officers accused in the August 1986 torture of DEA special agent Victor Cortez is proceeding and the evidence-gathering stage was closed on December 5, 1988. Barring further complications, the judge should reach a verdict in early 1989.

d. Arbitrary Arrest, Detention, or Exile

Under the Constitution, the detention of suspected criminals for more than 72 hours without being charged is prohibited. Mexican citizens have the right to bail, to seek restraining orders, and to make appeals ("amparo"), a constitutional protection provided against "coercive and abusive acts of authority." Incidents of arbitrary arrest and imprisonment occur most frequently in criminal cases.

The National Front Against Repression (FNCR) alleges that there are currently 34 political prisoners and detainees in the country, down from 150 last year. The majority of these are peasants and peasant activists arrested in disputes over land. Some of these prisoners have been held for extended periods of time without being charged. In many of these cases, especially those involving land tenure, persons termed political prisoners are, according to the Government, actually guilty of common crimes, such as terrorism, criminal association, and damage to property. The Government has consistently denied that it holds any political prisoners.

Exile and extradition of Mexican citizens are not normally practiced in Mexico.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system is divided into federal and state court systems, with the federal courts having jurisdiction over most civil cases and those involving major felonies. Under the Constitution, trial and sentencing must be completed within 12 months of arrest for crimes that would carry at least a 2-year sentence. Despite efforts at reform, this standard is often not met because of delays caused by cumbersome court procedures, case backlogs, and defense motions. Trial is by judge, not jury, in nearly all criminal cases. Defendants have a right to counsel, and public defenders are available. Recently implemented reforms have further broadened the rights of the accused.

The political opposition alleges that the judiciary, with judges placed in office by renewable appointments, is dependent on the executive branch. The Government denies that political beliefs have any bearing on the impartial administration of justice. Factors such as low pay for judges and law enforcement officials and high caseloads contribute to alleged corruption in the judicial system.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Article 16 of the Constitution provides for the privacy of the individual. Although the Government generally does not intrude on this right and search warrants are required by law, opposition political figures continue to state that their movements are monitored. Freedom to pursue private interests and hold private property is virtually unrestricted for Mexicans.

In conflicts over land titles, peasants and urban squatters have charged that local landowners, accompanied by police,have entered their homes without appropriate judicial orders and that these incidents are sometimes accompanied by violence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press are provided for by the Constitution. The Government has tolerated much direct public criticism, most notably in the print media. This was particularly true during the 1988 presidential election campaigns. Mexico's press is also a primary channel for reporting charges of human rights violations.

Opposition political parties claimed that Mexico's two principal television stations, one government owned and the other allegedly partial to the Government, accorded the PRI presidential candidate preferential campaign coverage. Article 52 of the revised Federal Electoral Code provides opposition parties 15 minutes per month of television time and additional time during an electoral campaign. However, the opposition notes that the PRI derives a substantial advantage from its status as Mexico's "official" party, with party activities (including campaign events) covered as national news.

During 1988 several journalists died violently or under suspicious circumstances in which, according to the media, retaliation for coverage of local and national problems such

as drug trafficking and corruption may have been a motive. These include the April 20 murder of popular Tijuana investigative reporter Hector Felix "El Gato" Miranda; the February 22 murder of Mazatlan journalist, lawyer, and university professor Manuel Burgueno Orduno; and the July 15 incident which took the life of Ciudad Juarez television personality Linda Bejarano.

b. Freedom of Peaceful Assembly and Association

The Constitution grants the right of peaceful assembly for any lawful purpose. A government permit is generally required for major demonstrations. Throughout the presidential campaign and postelectoral period, the Government permitted demonstrations--with few exceptions--by a broad range of political groups. Opposition political groups as well as peasant and indigenous organizations were allowed frequent access to main boulevards and Mexico City's large central square for demonstrations. In rare instances, unauthorized marches, sit-ins, and other forms of protest are broken up forcibly by police and security forces, especially outside the capital.

Mexicans have full freedom to join political parties, civic associations, and other organizations. These organizations operate without arbitrary government restriction.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Persons are free to practice the religion of their choice, and no religious body has legal standing. The Constitution prohibits the clergy from participating in politics, voting, owning real estate, or wearing religious dress in public. Some of these prohibitions are not strictly enforced; neither is a Constitutional restriction against preuniversity religious schools, many of which exist.

Mexico is predominantly Roman Catholic. Protestant, Jewish, and other religious communities are free to worship. Mormon and other Protestant evangelists, principally foreign, are active and especially successful in certain rural, largely indigenous communities. Some critics have stated that the Government finds these foreign groups threatening and, therefore, selectively enforces anticlerical laws in favor of the predominant Roman Catholic Church. Other critics assert the opposite, that the laws are not enforced against the evangelists in order to reduce the influence of the Catholic Church.

A change in the Federal Electoral Code in 1986 subjected clergy to substantial fines and even imprisonment if they were found guilty of inducing the electorate to vote for or act against a candidate or foment abstention and disorder. Though some clerics were relatively outspoken during the presidential election campaign, none are known to have been charged under this regulation. The Catholic Church insisted upon its right to educate the faithful to their civic responsibilities and, in August, issued a statement which was both critical of the Government's handling of the elections as well as supportive of the high levels of participation achieved.

Catholic and private educators, as well as some opposition politicians (notably the National Action Party (PAN) presidential candidate Manuel Clouthier), have criticized the Government for forcing Mexicans to use government-mandated textbooks in religious and private schools. Critics have complained of the textbooks' negative treatment of businessmen and free enterprise.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and outside the country is unrestricted. Some 40,000 Guatemalan refugees reside in camps in southeast Mexico. According to the United Nations High Commissioner for Refugees (UNHCR), an additional 120,000 illegal Salvadorans reside in urban areas, principally Mexico City; if discovered, they are usually deported across the border to Guatemala.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since 1929 Mexico has been ruled by the PRI. To secure its continuance in power, the PRI has relied on extensive public patronage and massive government and party organizational resources. The opposition parties have also charged the PRI with electoral fraud in those contests in which the opposition is strongly organized.

Given the PRI's greatly reduced margin of victory compared to previous years, many observers believe that the extent of electoral fraud in 1988 was considerably reduced. A total of eight political parties, sponsoring five presidential candidates, participated in the elections. The combined opposition garnered an unprecedented 237 seats out of a total of 500 in the Chamber of Deputies, and for the first time, 4 of 64 seats in the Senate. A total of six political parties now hold seats in the Chamber of Deputies.

The President and senators are elected for 6-year terms with one-half of the nation's senators elected every 3 years. Deputies are elected for 3-year terms, simultaneously with the election of the President and then midway through the presidential term. State governors are elected for 6-year terms, with elections in the various states spread throughout a 6-year period.

Women enjoy full political rights and are active in political parties. One of the nation's 31 governors is a woman, 9 of 64 senators are women, and 55 of the 500-member Chamber of Deputies are women, an increase of 14 over the previous legislature.

Members of the unicameral state legislatures and all mayors are elected for 3-year terms. These elections are also staggered. Among its numerous provisions, a 1986 electoral reform law provides for the presence at polling stations of representatives from all political parties, as well as independent poll watchers. Most urban polling stations were covered by both the PRI and other parties; the opposition had a more difficult time in the countryside, where they claim most manipulation of the vote occurred.

MEXICO

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government allows both domestic and international human rights groups to operate in Mexico without restrictions or harassment, and it has pledged its full cooperation with efforts by AI to monitor human rights violations in Mexico. Senior Mexican officials have met with domestic human rights activists to discuss allegations of human rights violations. The Government has, in the past, publicly committed itself to periodic inspection by the United Nations Human Rights Commission (UNHRC) and other human rights organizations and has pledged its complete cooperation with any such investigations.

In its report covering events in 1987, AI indicated that its concerns included reports of political killings, torture, arbitrary arrest of political opponents, and the use as evidence of confessions obtained under duress. AI was also concerned about disappearances in previous years which have never been satisfactorily clarified by the Government. In its 1988 report, AI confirmed that it had received detailed information from the Mexican Government in many cases, but stated that the Government had not fully addressed AI's concerns.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Mexico takes pride in its Spanish and Indian origins. Indigenous groups, many of which do not speak Spanish, are encouraged to participate in political life, and the Government is respectful of the desire of these groups to retain elements of their traditional lifestyle. These groups, however, remain largely outside the country's political and economic mainstream; this is more the result of historic patterns of economic and social development than any restrictive policy of the Government. AI reported that the state government of Oaxaca established an Indian legal rights office to assist in cases where imprisonment was related to socioeconomic or cultural problems.

Mexico is free of official religious discrimination except for provisions of the Constitution which bar the clergy from participating in politics, voting, owning real estate, or wearing religious dress in public.

The role of women in Mexican society is in transition, and women are beginning to move into areas traditionally reserved for men. The number of women's action groups is increasing, and they are aggressively promoting women's issues on a broad front. Women comprise approximately 29 percent of the work force but continue to work predominantly in nonsupervisory jobs with few at the executive level. Equal pay for equal work is mandated by statute. However, in practice a wage disparity exists between work traditionally performed by women and work traditionally performed by men. Men and women are equal in principle under Mexican law. Women have the right to file for separation and divorce. Women may travel without their husband's permission and own property in their own name.

MEXICO

Section 6 Worker Rights

a. The Right of Association

The rights of Mexican workers to organize and to strike are provided under Article 123 of the Constitution. Workers and employers have the right to establish and join organizations of their own choosing, and a pluralistic trade union movement exists. Numerous trade union confederations, independent unions, and a variety of employer organizations also exist. Mexico has had a free and independent trade union movement, as defined by the International Labor Organization (ILO), for decades. Mexican trade unions are neither controlled nor restricted by the Government, but the vast majority are affiliated with the PRI. A minority of unions, covering an estimated 10 to 15 percent of Mexico's organized workers, is independent, and some support the opposition parties.

Mexican law provides for and protects the right to strike. This right, however, does not apply to public sector workers who are prohibited from striking. Strikes do occur but are relatively infrequent. Procedures for legal strikes are set forth in Mexico's basic labor legislation, the Federal Labor Law of 1971, but these provisions are lengthy and complex. The law provides for the filing of notices of intent to strike and for efforts at conciliation, mediation, and arbitration between the parties in dispute through the local, state, or federal tripartite (labor, management, government) conciliation and arbitration boards. By making them a measure of last resort, strikes are difficult to initiate, but not impossible. They usually take place over collective bargaining impasses or over such issues as plant closures or layoffs. Wildcat strikes continue to occur.

Some 9 million Mexicans (out of a total work force of 25 million) are unionized. Nearly 8 million are affiliated with PRI labor organizations. PRI-affiliated unions tend to support the Government and PRI on most issues, though not necessarily with respect to improvements in wages and working conditions. They are, furthermore, able to place a substantial number of union leaders in government positions; many are federal senators and deputies for the PRI. While PRI does not control the labor movement, the fact that most union leaders are also PRI officials and may occupy PRI elective offices, does limit their freedom of maneuverability. One PRI-affiliated union, the 800,000-member National Teachers Union (SNTE), has a significant dissident movement, particularly in the states of Chiapas, Oaxaca, and Michoacan, which rejects purported authoritarian control of the union.

Independent unions outside the PRI-affiliated Mexican Labor Congress (CTM) cover the entire ideological spectrum. Mexican unions are free to maintain relations with international trade union bodies. The CTM is affiliated with the International Confederation of Free Trade Unions (ICFTU) and is a leading member of the ICFTU's Inter-American Regional Organization, headquartered in Mexico City. The Latin American regional organization of the Communist-controlled World Federation of Trade Unions (WFTU) maintains its headquarters in Mexico City, though they have no Mexican following to speak of and only one minuscule farm worker union affiliate.

b. The Right to Organize and Bargain Collectively

The right to organize and to bargain collectively is provided for under Article 123 of the Constitution and implemented in Mexican labor law; it is generally respected in practice. There are few, if any, restraints on union organization.

Collective bargaining is extremely common, particularly in industry and commerce. The aforementioned tripartite boards of conciliation and arbitration promote voluntary worker-employer negotiations. The boards have additional statutory responsibilities, such as the registration of collective bargaining agreements reached between labor and management.

Workers are protected in Mexico against antiunion discrimination, and labor laws encourage unionization (though there are no legal requirements for unionization in any industry or branch of commerce.)

Although it is difficult to generalize about labor union representation in the maquiladora (in-bond or duty-free zone) industry, overall labor relations are good. In all sectors the right of association and the right to organize and bargain collectively, a prohibition on the use of any form of forced labor, minimum age for the employment of children, the right to strike, and acceptable working conditions exist and are respected. Some firms are represented by the CTM, others by rival labor federations, and still others by independents. Eighty to 90 percent, however, are not organized at all. Fidel Velazquez, president of CTM, has been working with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) on the possibilities of unionizing maquiladora workers. To date there has been no reported progress as a result of these discussions.

Government workers are almost fully unionized, but collective bargaining is much less common. Government workers are not permitted to bargain over wages but only over certain working conditions.

c. Prohibition of Forced or Compulsory Labor

Mexico is a signatory to the ILO conventions regarding the prohibition of forced or compulsory labor. Such practices are also prohibited by Mexican law. There have been no recent reports of forced labor in Mexico.

d. Minimum Age for Employment of Children

The law sets the minimum age for employment at 14 years. Children over 14 years but under 16 years may work but are subject to special legal protection and shorter working hours than adults. They cannot be employed in certain hazardous jobs. Child labor laws are observed fairly strictly in large and medium sized manufacturing and commercial establishments. They are less well observed in small shops and factories, and even less so among street vendors, many of whom are children. Enforcement of child labor laws is the responsibility of the Labor Secretariat and local, state, and federal boards of conciliation and arbitration.

e. Acceptable Conditions of Work

The minimum wage set by law is upgraded at periodic intervals by the National Minimum Wage Commission, a tripartite body

composed of government, trade union, and employer organization representatives. The current minimum wage in Mexico City and other high cost areas (there are 3 minimum wage zones in Mexico) is approximately $3.25 per day. Despite periodic increases, it has not changed much, in dollar terms, over the past 3 to 4 years, due to recurring devaluations of the peso. The Mexican minimum wage provides for a barely acceptable standard of living for the substantial number of workers who receive it.

The maximum length of the workweek is 48 hours. In recent years, the average workweek has declined considerably, to a level of 42 to 43 hours. The CTM and other Mexican unions are currently campaigning to reduce the legal maximum, through proposed legislation, from 48 to 40 hours.

Mexican legislation on occupational health and safety is relatively advanced and provides substantial protection. Health and safety standards are better enforced in large firms. There appears to be a higher incidence of industrial accidents in smaller firms and on construction sites, a reflection of a lack of sufficient inspection personnel to adequately monitor health and safety regulations.

NICARAGUA

The Sandinista National Liberation Front (FSLN) rules Nicaragua. The 1987 Constitution institutionalized Sandinista executive and party control over the country's military and security forces and central direction of the national economy. The FSLN has thus in 9 years transformed a popular uprising against the Somoza dictatorship into rule by a small elite which claims to be the vanguard of an irreversible revolution. The claimed legitimacy of Sandinista rule is widely challenged by civic opposition groups, as well as an armed Nicaraguan Resistance. However, the FSLN has suppressed peaceful opposition to its rule, claiming that such opposition constitutes collaboration with the armed Resistance and foreign aggression, and uses its monopoly of the security apparatus, the broad powers conferred upon the security forces by the Constitution, and coercive legislation, such as the law for the maintenance of order and public security, to neutralize independent groups, suppress opposition, and maintain its monopoly on power.

The People's Sandinista Army (EPS) and the Ministry of Interior, in addition to their normal military and police structures, have an extensive internal security apparatus. Using Soviet bloc and Cuban instruction and techniques, and directed by the Sandinista party, they have developed an effective internal control system capable of paramilitary sweeps in rural areas to destroy the support base of the armed resistance as well as surveillance and infiltration of all independent organizations in the cities.

The economy is a combination of state and private ownership. Although professing a commitment to a mixed economy, Sandinista leaders have characterized the Nicaraguan revolution as Socialist. The regime exercises regulatory authority over much of the economy, is openly hostile to private initiative, and expropriates private property for political as well as economic purposes. Flight of human capital, frequent and unpredictable economic decrees, high military expenditures, and lack of confidence by the private sector have combined with the effects of the war to produce sharp economic decline and hyperinflation.

In January the Central American presidents declared in San Jose, Costa Rica, that each country in Central America would unilaterally comply with the 1987 Guatemala accords, including implementation of democratization, political pluralism, and a general amnesty. Nicaragua lifted the state of emergency, restoring among other things the right to strike, and abolishing special tribunals to try persons suspected of counterrevolutionary activity. However, the Government maintained effective control of opposition activity through a combination of legal and extralegal tactics. In March a preliminary cease-fire agreement was reached between the Government and the Nicaraguan Resistance at Sapoa. The Sapoa Accord called for compliance with the Guatemala agreement and Resistance participation in a national dialog on democratization. Although a truce remains in effect, a final cease-fire has not been achieved.

Since that time, the Sandinista regime gradually reduced the political opening available to the civic opposition, using intimidation and attack by government-controlled mobs to inhibit public demonstrations. On July 10, Sandinista police used force to break up a peaceful demonstration at the town of

Nandaime, arresting a number of the demonstrators, and using their subsequent trial as a means of continued intimidation of the regime's critics. The United States Ambassador and seven other U.S. Embassy officers were expelled from Nicaragua on July 11 for allegedly orchestrating opposition activity.

Since July 10, the Government has refused permission for all outdoor opposition demonstrations. The independent newspaper La Prensa and a number of independent radio stations in operation for most of 1988 have also come under government pressure. Their owners have been threatened or assaulted by government officials, and they have been subjected to periodic suspensions for printing or broadcasting allegedly false reports critical of the Government.

In October the National Assembly reduced outside support for independent institutions through legislation making it a crime for any Nicaraguan entity to receive funds provided by specified U.S. Legislation. The Assembly also granted sweeping new emergency powers to the Nicaraguan President. On balance, the Guatemala, San Jose, and Sapoa agreements have resulted in only temporary and reversible improvements in human rights in Nicaragua. The 1987-88 report of the OAS Inter-American Commission on Human Rights (IACHR) noted "significant but precarious advances" for human rights in Nicaragua. With the situation exacerbated by the conflict between the Government and the Resistance forces, there continued to be charges against both sides of such human rights abuses as politically motivated killings, disappearances, torture, and illegal detentions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Based on information provided by the independent Permanent Commission on Human Rights (CPDH), through August 1988 there were reports of 28 politically motivated killings, the majority attributed to Sandinista security forces. Many of these killings involved persons who were detained by state security or by military forces for alleged resistance activity, or for fleeing or resisting military recruitment. Several opposition political leaders were killed in 1988. Opposition groups and the CPDH asserted that these killings were politically motivated; the Government attributed them to common criminals. There has been no conclusive evidence in these cases. Although prosecution of EPS troops for criminal activity, including murder, is fairly common, there is no record of prosecutions of EPS soldiers for these alleged political killings. Among the killings attributed to the Sandinista Government by opposition and human rights groups were:

--Walter Antonio Morales Silva, from Managua, was reportedly killed on February 4 by Lieutenant Victor Julio Rios Zamora after being detained and having his truck confiscated.

--Two labor activists leading a march of peasants to a rally sponsored by the Labor Unity and Action Central Organization were killed March 5 by Sandinista troops near the village of El Tunea, Matagalpa department.

--Fidel Anastasio Garcia Sevillo, a farmer from Acopyapa, Chontales, was taken into custody by the EPS on March 19, accused of giving food to the armed resistance. He was reportedly killed the next day by members of the Gaspar Garcia Laviana Battalion.

--A Sandinista patrol from Matiguas on March 21 allegedly tortured and killed five civilians, including a Catholic lay worker, at San Pablo Del Apanteillo De Zabolar. They had been mutilated and had deep cuts on the legs, arms, and abdomens; the five persons had been accused of being resistance collaborators. A report of the murders was made by Monsignor Carlos Santi, Bishop of Matagalpa, during his March 27 Palm Sunday Mass at the Cathedral in Matagalpa.

--Eleazar Herrera Herrera, President of the Matagalpa chapter of the Nicaraguan Conservative Party, was murdered on July 27. The Sandinista police maintain that the murder was committed by three of Herrera's disgruntled ranch employees. However, Conservative Party leaders and other civic opposition groups assert that Herrera was killed for political reasons.

The U.S. funded Nicaraguan Association for Human Rights (ANPDH), a nonprofit organization independent of the Resistance forces, claims that through June, 130 noncombatant peasants were killed by the EPS, with most of them having undergone torture prior to their death.

The Resistance has also been accused of political killings by representatives of the international press, human rights organizations, and the Sandinista Government. The following are examples of killings attributed to the Resistance as reported to the Witness for Peace organization, which charges that Resistance forces killed 38 civilians between late March and the end of August:

--Chilo Murillo, a member of a Sandinista reserve unit and a resident of San Antonio, near Nueva Guinea, was reportedly kidnaped on April 13. He was later found dead, and two former prisoners of the Resistance reported that Resistance troops claimed to have done the killing.

--Alfonso Hernandez Garcia was reportedly taken from his home near the November 21 resettlement community in Matagalpa on July 4 by a group of Resistance fighters and killed by the Resistance during an attack on the cooperative.

--On July 18, Resistance forces allegedly abducted five men from the Ronald Paredes cooperative, Jinotega. The five were reportedly lined up and shot by the Resistance; two of them were killed.

--Resistance forces were reported to have forced their way into a house in Cerro Blanco, Nueva Segovia, on August 2, and shot and killed an ex-Resistance leader who had received government amnesty.

--Perfecto Gonzalez Sanchez was reported to have been killed by the Resistance on August 29 in a house in Waslala, Matagalpa. Gonzalez was in charge of the state distribution store in the Las Brisas cooperative and a member of the cooperative's militia.

The ANPDH, in its report covering the first half of 1988, claimed it had reopened several cases in which Resistance

Commanders brought to trial by the Office of the Military Prosecutor of the Nicaraguan Resistance for murder or kidnaping had been acquitted due to "legal irregularities" suggesting a lack of prosecutorial zeal. Some sentences, after a retrial, were reportedly reversed or stiffened.

b. Disappearance

Disappearances generally involve persons detained by the EPS or by state security forces. EPS military recruitment practices include the roundup of young males at schools, movie theaters, and public events. Military recruiters periodically halt vehicles and remove draft-age men. Those detained usually are not provided an opportunity to notify their families of their detention. Some who resist Sandinista pressure to join the military have disappeared. Persons who are accused of having provided support to the Resistance (e.g., giving food to Resistance forces as they move through an area) also have disappeared after EPS or security forces have detained them for questioning. Fifty-six reports of disappearances were filed with the CPDH as of August 1988.

The Government has charged the Resistance with a policy of kidnaping civilians; the Government human rights organization, the National Commission for the Promotion and Protection of Human Rights (CNPPDH), claims that from 1980 to 1987, 7,037 people were abducted by the Resistance, 6,005 of whom were civilians, and that more than 1,240 civilians were kidnaped in the first half of 1988. From January through August, 18 allegations of kidnaping by the Resistance had been filed with the CPDH. The Resistance released 104 Sandinista military and Nicaraguan civilians on December 29. Forty-four of the released prisoners returned to Nicaragua, while 60 prisoners decided to remain in Honduras as refugees.

Disappearances also occur when prisoners are transferred between various government prison facilities without notification. For example, five prisoners in the model prison in the town of Tipitapa disappeared on July 9 when guards took them to an unknown location. Among the five prisoners was Reynaldo Aguado Montealegre, a former Sandinista army lieutenant, who had been accused of spying for the United States. The five were returned to the model prison 21 days later. The prisoners reported they had been taken to El Chipote prison in Managua for further interrogation, during which they were threatened with death by El Chipote guards.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are three types of prisons in Nicaragua--State Security (DGSE) facilities, national penitentiary prisons, and open farms. Most of Nicaragua's prisoners are held in the first two systems, and most abuses occur there. Interrogation of detainees is normally conducted in DGSE prisons. During interrogation, detainees have been subjected to various forms of physical and psychological torture, including food and water deprivation, mock executions, and being beaten while their hands are manacled behind their backs or while they are hung by their hands. CPDH reports that physical torture is more commonly used against peasants, while psychological methods are utilized against members of civic, political, or labor organizations. Death threats against prisoners and their family members are also common.

The DGSE prisons generally are not open to inspection by any international human rights group, including the International Committee of the Red Cross (ICRC). Prisoners in DGSE jails are often kept in the dark in isolation cells. Food is scanty and at El Chipote, the best-known DGSE facility, often consists of only a spoonful of rice and beans three times a day. The systematic use of these interrogation techniques by the DGSE reflects a deliberate government policy which targets political prisoners in DGSE prisons or its secret jails. Torture is not often used in the national penitentiary system, but conditions are harsh and beatings of political prisoners are common.

Leaders of the civic opposition detained by state security following their return from a meeting in Guatemala in January report that they were made to strip and assume degrading positions while being photographed. These photographs have subsequently been sent to the former prisoners on such occasions as their birthdays. Opposition leaders were also placed in small closet-like cells for several hours, aggressively interrogated, and threatened; death threats were made against them and their families. Families of opposition leaders arrested following the July 10 Nandaime demonstration reported that conditions in the La Granja prison outside Granada jeopardized the inmates' health. They reported a lack of adequate food, bedding, sanitary facilities, and medical attention. Medical problems such as fungus infections, rashes, malaria, dengue fever, and conjunctivitis often remained untreated. Overcrowded prison cells require many prisoners to sleep on damp, dirty floors. The CPDH asserts that many ex-National Guardsmen, many of whom were summarily tried, are serving long prison terms with inadequate health care, in many cases developing chronic health problems.

As of June 30, the ANPDH reported 66 prisoners of war were held by the Resistance. Six of the prisoners were ill, while many others complained of skin infections, headaches, and anemia; one of the 4 women said she had been sexually abused. In general, prison conditions were Spartan. Of those prisoners released by the Resistance on December 29 who subsequently returned to Nicaragua, several alleged that they had been tortured while in Resistance prisons, according to Sandinista media.

d. Arbitrary Arrest, Detention, or Exile

Arrests or detention of persons suspected of being Resistance supporters are common, particularly in rural areas. Although the Constitution provides that a detainee must be brought before a competent legal authority within 72 hours of arrest, suspects are often held for months without charges or access to counsel. Short-term arrest and interrogation is an integral part of the Government's harassment of the civilian opposition. Persons suspected of counterrevolutionary activity are generally picked up at night by the DGSE. Detainees are normally held until they agree to confess their guilt or implicate others in counterrevolutionary activities. Persons suspected of views critical of the Government often are detained and charged with common crimes rather than for treason or espionage. Civic opposition leaders are generally apprehended openly, but without warrants. Many of those suspected of aiding the Resistance are detained secretly and without warrants. The CPDH has reported that peasants have been charged with counterrevolutionary activities upon refusal to join one of the FSLN's mass organizations.

In August the EPS and state security launched a campaign to eliminate suspected Resistance supporters. According to local sources, many hundreds of peasants in Northern and Central Nicaragua were detained without formal charges. These individuals were accused of giving food to Resistance forces.

The DGSE continued its practice of detaining and holding political, labor, and civic leaders for short periods of time before releasing them without having charged them with any crime or violation of law. Twelve opposition leaders were detained in January following their meetings in Guatemala with the Resistance and released several days later without charge.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Anti-Somocista Popular Tribunals, or TPA's, were abolished in January as part of the package of steps announced by President Ortega to comply with the Guatemala accord. The TPA's had been established in 1983 to prosecute persons accused of counterrevolutionary activity. Cases in progress, chiefly those being tried under the Law for Maintenance of Order and Public Security, a vague and broadly drafted law which criminalizes a wide range of antigovernment activities and all subsequent cases under this law, were moved to the regular courts.

In January a requirement that judges be lawyers was abolished, the number of courts was increased, and former TPA judicial members were converted into judges to try cases formerly handled by the TPA's. Following the lifting of the state of emergency, the Government made increased use of a Somoza-era police code which provides for police courts, under Ministry of Interior jurisdiction. Under the police code, police instructor judges may impose summary sentences of up to 6 months for offenses such as disturbing the peace. The police commenced using this power to harass and intimidate independent labor organizations and opposition political groups. Twelve persons were sentenced to 6 months' detention under this provision for antidraft demonstrations in Masaya in March. Eight members of an opposition peasant union were sentenced in May by a police court to 6 months in jail for disturbing the peace. The incident came a week after villagers prevented soldiers from detaining union leaders who had protested against the draft.

Trial proceedings are subject to considerable influence from the executive, posing serious obstacles to a fair proceeding. The trial of 38 persons for taking part in the demonstration at Nandaime on July 10 illustrates the deficiences in the Sandinista court system. Defense attorneys were restricted in access to their clients. Court sessions were conducted without notifying defense attorneys and without providing or showing defense attorneys copies of the Government's evidentiary documents. The judge, a Sandinista army lieutenant with some legal background, was formerly with the TPA court system. Many of the judge's procedural rulings have been appealed to the Supreme Court. However, the Supreme Court itself is highly politicized; in December 1987, three Supreme Court justices resigned, citing the executive branch's disrespect for the Court and its decisions. They were replaced by appointees who are strong supporters of the FSLN and its ideology.

NICARAGUA

There is a wide range of estimates on the number of political prisoners in Nicaragua. The CPDH estimates a total of 6,200 political prisoners, plus approximately 2,000 former members of the Somoza National Guard. The Government reports that 1,822 former guardsmen and 1,432 persons convicted of counterrevolutionary activities are in the national penitentiary system. The ICRC has certified the government figures, but the ICRC acknowledges that it has not been allowed to visit state security prisons or interrogation facilities.

The Organization of American States (OAS) Inter-American Commission on Human Rights (IACHR) reviewed the status of ex-national guard prisoners as specified by the section of the Sapoa cease-fire accords dealing with amnesty of political prisoners. The IACHR report and its recommendations were forwarded to the OAS Secretary General. However, the Secretary General stated he will not release the report until authorized by both the Nicaraguan Government and the Resistance or until decisions established in the Sapoa agreement have been carried out. Without a complete survey of all prisons and detention facilities, it is impossible to establish an accurate figure for political prisoners. It is clear, however, that official government figures do not include a significant number of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The lifting of the state of emergency in January put into effect Article 26 of the Constitution, which provides for the inviolability of home, correspondence, and communications, and respect for citizens' honor and reputation. By law, a private home may be searched only with a warrant from a competent judge or other expressly authorized official, to prevent a crime from being committed, or to avoid injury to persons or goods. However, homes of civic opposition members have been searched without warrant. Unauthorized search of homes to find draft-age men is common, and in rural areas military and DGSE troops frequently search homes without a warrant. In one case reported by the San Francisco Examiner, EPS soldiers in January occupied a home temporarily abandoned during nearby fighting; when the occupants returned later that day, the soldiers stole about $90 from them and raped a woman.

The Government monitors the telephones of political, labor union, and other leaders; it examines correspondence mailed both within the country and from abroad. A wide network of DGSE informants monitors the activities of persons suspected of anti-Sandinista attitudes. Although Sandinista Defense Committees (CDS) claim to be changing their orientation from political and ideological control to that of more conventional public service organizations, neighborhood surveillance continued to be a function of the CDS throughout 1988.

Forced resettlement on the extensive scale of previous years did not occur in 1988. Between 18,000 and 25,000 government workers were laid off early in the year in order to cut government expenditures and state enterprise operating costs. An unknown number of these urban employees were relocated to work on state coffee and cotton farms or agricultural cooperatives. The Government publicized this as part of a back to the land movement.

NICARAGUA

Section 2 Respect for Civil Liberties Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and press, the Government frequently abridged these freedoms. Most of the mass media are owned by the Government or by pro-Sandinista organizations. In 1987 following the signing of the Guatemala accord which called for "complete freedom for television, radio, and the press," the Government allowed the reopening of the La Prensa newspaper, Radio Catolica, and several other independent radio stations. Requests by private organizations to open a television station have been turned down. Since reopening, La Prensa and the independent radio programs have been outspoken in criticism of government policies and actions and have obtained a significant share of the news market. Nevertheless, they operate under continuing government controls and pressures designed to restrict their freedom. In December, the Government prohibited any governmental entity from placing notices or advertisements in La Prensa, which the Government accused of working for the U.S. Government.

Despite the lifting of the state of emergency in January, the provisional law on communications media remained in effect; this law stipulates, among other things, that the media should express a legitimate concern for the defense of the revolution, and authorizes the Media Directorate of the Ministry of Interior to order suspensions and eventual closure of media which report false stories. The Government made extensive use of this law, as well as of Decrees 511 and 512 which regulate the publication of information relating to internal security, national defense, and economic information, to attempt to control the independent media. In April Radio Corporation director Jose Castillo was physically assaulted by Minister of Interior Tomas Borge because of the station's criticism of government handling of a labor union hunger strike. In May the Government began a series of temporary suspensions of radio programs whose broadcasts, in the opinion of the Government, violated existing laws.

On May 14, the Ministry of Interior informed the officials of eight radio news programs that their broadcasts had violated the media law and the Law on Maintenance of Order and Public Security by reporting on the economic crisis and opposition to the military draft. Media suspensions have been frequent since this warning. On July 11, Radio Catolica was suspended indefinitely and La Prensa closed for 15 days for reporting the opposition demonstration at Nandaime the previous day; Radio Catolica was subsequently allowed to resume broadcasting, but without its news program. During periods of special interest such as the Resistance/Government cease-fire talks, the Government required that all radio stations broadcast only government programming under a system of a national radio network.

Other restrictions on the media include control of supplies of newsprint. In March La Prensa suspended publication for a short period because of a shortage of paper, and the Government refused permission for La Prensa to obtain paper from a U.S. source. Paso A Paso, a weekly paper of the Liberal Independent Party, has also reported government obstacles to the purchase of newsprint. The editor of Paso A Paso, Joaquin Mejia, was severely beaten by unknown assailants on September 22; his

party has charged that the beating was motivated by Mejia's critical reporting about the Sandinista regime.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of association, assembly, and peaceful demonstration. In a letter to the Secretary General of the United Nations, Nicaraguan Vice Foreign Minister Victor Hugo Tinoco stated, "with the lifting of the state of emergency (on January 19) the right to assemble and demonstrate shall enter into force." However, on January 20, the Ministry of the Interior reissued a police regulation on political meetings which requires that organizers of all outdoor public demonstrations obtain prior permission from the Sandinista police.

Following the July 10 demonstration at Nandaime, the police denied permission for all outdoor political events, despite repeated requests to march. Prior to July 10, the Government only selectively granted permission for opposition demonstrations. For example, permission was denied for rallies to be held April 17 in San Ramon, Matagalpa, and May 8 in Jinotepe. When permission was granted, it was usually given shortly before the scheduled time of the event, and radio stations were warned not to publicize demonstrations before the events were authorized.

Rally organizers reported government intimidation and harassment, and demonstrators were subject to violence from Sandinista-controlled mobs, or "Turbas." On January 22, members of the January 22 Mothers of Political Prisoners organization were attacked at the Office of the Democratic Coordinator in Managua during their anniversary celebration. Police watched as the Turbas stoned the mothers; three persons were injured. A mob also attacked and broke up an International Women's Day rally organized by the Democratic Coordinator on March 6 in Masaya. Turbas attacked participants with rocks, chains, and iron bars while the police stood by. The Indian Law Resource Center, a private group in Washington, wrote that Sandinista agents tried to prevent a rally by Miskito leader Brooklyn Rivera in early 1988 in Puerto Cabezas, and then attacked a rally held by Rivera in March. On July 10 in Nandaime, police broke up an opposition rally using tear gas, rocks, and clubs, beating many of the participants. The regime accused the marchers of initiating the violence as part of a United States destabilization plan directed against Nicaragua. Thirty-eight of the demonstrators were imprisoned and tried for participation in the Nandaime march. Most of those arrested were released, with varying degrees of exoneration, in November and December.

A number of private and professional organizations exist in Nicaragua. Their members are usually able to meet together inside the country and to maintain contacts with foreign counterparts inside Nicaragua and abroad. However, private organizations have been the focus of verbal attacks by Sandinista officials and by the Sandinista press; the Superior Council for Private Enterprise (COSEP), an umbrella organization of business and professional associations, has been described, along with opposition political parties and the Catholic Church, as acting against the Nicaraguan revolution and for the United States. Property of members of private sector associations has been confiscated by the Government. On October 6, the National Assembly passed legislation making it a crime for Nicaraguan entities to

receive funds or other assistance from certain U.S. Government sources, including the National Endowment for Democracy.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religion. Eighty-five percent of the Nicaraguan people are Roman Catholics. Many of the remainder belong to Protestant, Evangelical, or Pentecostal denominations. There are no direct restrictions on religious activity or association, but the regime has a generally hostile attitude toward the Catholic Church, which it sees as a rival to Sandinista control of Nicaraguan society. In 1988 the Sandinistas intimidated and harassed individual Catholic priests as well as the hierarchy of the Church. On July 19, the chief of police warned Monsignor Oswaldo Mondragon to "desist from calling on his congregation for disorder, civil disobedience, and violation of the order and public security of the country." The Sandinista press charged that Mondragon's El Calvario church had been a meeting place for demonstrations by political groups. (Mondragon had been active in social and religious work among the poor, in particular among independent market vendors who oppose government economic controls. Mondragon had also allowed the January 22 Mothers of Political Prisoners to to use his church for vigils.) The CPDH reported that congregants at a Catholic church in La Flor, Rio San Juan Department, were harassed by an armed EPS patrol in February.

Sandinista propaganda attacks were also directed at the head of the Church in Nicaragua, Cardinal Obando y Bravo. Cardinal Obando was appointed by the Government as the president of the National Reconciliation Commission formed under the Guatemala accords; he is a "witness" to the Sapoa cease-fire talks; and, along with OAS Secretary General Baena Soares, is a member of the Sapoa Accords Verification Commission. The Government and its media attempted to impugn the Cardinal's objectivity. Sandinista-controlled women's groups conducted weekly protests in front of the Archdiocese Curia, demanding that the cardinal intercede with the armed Resistance on behalf of relatives allegedly held prisoner by the Resistance. On April 19, Sandinista-controlled radio stations charged that Cardinal Obando y Bravo was an accessory to "crimes and murders" allegedly committed by the Resistance.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government imposes restrictions on foreign travel through use of passport and exit visa requirements. The regime limits some opposition figures to single-exit visas, while it often denies both passports and exit visas to young men of draft age, professionals with skills needed by the regime, and political opponents whose views it does not wish to have expressed overseas. In September the Government quadrupled the fee for a passport to the equivalent of $40, beyond the reach of many Nicaraguans. A program which allows Nicaraguan citizens to visit family members living in Costa Rica and Honduras at special border posts is frequently blocked by the Nicauragan authorities on scheduled weekends; clandestine departures by Nicaraguans to Honduras and Costa Rica continue, and the Government has used military forces at times to block these departures.

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There were no reports of refugees forcibly repatriated from Nicaragua in 1988, and, in general, the Government's treatment of refugees has been good.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Sandinista regime contends it was democratically elected in 1984. However, many observers viewed that election as flawed, and severe restrictions on access to political power continue.

The Constitution states that "political pluralism assures the existence of participation of all political organizations in the economic, political, and social affairs of the country, without ideological restrictions except for those which seek a return to the past or advocate the establishment of a similar political system." The reality, however, is that political power is concentrated in the hands of the FSLN, a Marxist-Leninist party that describes itself as the country's "vanguard." The 9-member FSLN National Directorate actually runs the country, in consultation with the 103-member FSLN Party Assembly (not to be confused with the National Assembly). Party penetration of the governmental apparatus is particularly visible in the EPS. Power within the FSLN is organized vertically, with the party's National Directorate making all major decisions. The responsibility for implementing the Directorate's orders flows downward through the Sandinista Party Assembly, FSLN organizational departments, and regional party cadres. Sandinista mass organizations play a supportive role, functioning primarily as instruments for political control and indoctrination.

A number of other political parties and factions exist, most of which oppose the Sandinistas; seven have representation in the National Assembly. Aside from this essentially symbolic representation in the Assembly, the opposition has no share in governing the country.

The next general elections are scheduled for 1990. Municipal and Central American parliamentary elections will probably be held in 1990, combined with the presidential and national assembly elections. In August 1988, the National Assembly passed an electoral law, as required by the Constitution. This law, which has constitutional status, was not in force at year's end because it had not been officially published by the Government. According to opposition political leaders, the law contains clauses that discriminate against the opposition parties and would effectively exclude them from the political process, maintaining the FSLN's one-party control. Four opposition parties represented in the National Assembly walked out of the month-long election law debate and continue to oppose many of the law's provisions as being antidemocratic.

The FSLN has encouraged the participation of women in political life. Twelve of the 63 seats in the National Assembly are filled by women. There are nine female alternates from the FSLN to the National Assembly. The political opposition has no women filling its 33 seats in the National Assembly, although Muriam Arguello of the Conservative Party is the first woman to head a faction of a political party in Nicaragua. Women have been appointed to high ranking government jobs including ambassador to the United Nations, ambassador to Costa Rica, chief of the Sandinista police, and Minister of Health.

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A national dialog between the Government and the civic opposition began in 1987, following the signing of the Guatemala accords. However, the dialog quickly broke down due to government refusal to consider fundamental constitutional reforms which could have jeopardized the FSLN monopoly on power. Another attempt at natonal dialog was undertaken in conjunction with the Sapoa cease-fire talks which calls for the Resistance eventually to participate in the talks. However, the dialog and the cease-fire talks had both been broken off by midyear.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has allowed visits by some international human rights organizations but has not allowed complete access to prisons. It has responded to inquiries from the United Nations Human Rights Commission and the IACHR.

In 1980 the Government established a progovernment human rights body called the National Commission for the Promotion and Protection of Human Rights (CNPPDH). The CNPPDH functions as an arm of the Foreign Ministry, devoting itself to the investigation of reported Resistance human rights abuses and the defense of the regime's human rights record. The Permanent Commission on Human Rights (CPDH), the only independent human rights group in Nicaragua, faces a continuing campaign of government harassment. The CPDH is denied access to the regime's prisons and is not allowed to seek information from Ministry of Interior personnel. Prisoners and their families have been warned not to report abuses to the CPDH, and the organization's employees have been subjected to threats, physical attacks, and defamation campaigns in the government press.

The ANPDH, based in San Jose, Costa Rica, is a U.S. Government-funded group independent of but sympathetic to the Resistance, which trains Resistance combatants in respect for human rights, and which investigates and reports allegations of abuses.

ICRC representatives visit prisons which are part of the national penitentiary system, but, as is the case with all other human rights organizations, they are denied access to the DGSE prisons. ICRC delegates are not allowed to visit security detainees until their interrogation is over and they have been transferred to prisons under the responsibility of the national penitentiary system.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Nicaragua's minorities, numbering some 80,000 Indians and 26,000 English-speaking blacks, live primarily on the Atlantic Coast. Sandinista efforts after 1979 to integrate the Atlantic Coast politically with the rest of Nicaragua alienated many of the coast peoples, generated many human rights abuses, and led to mass flights of Indians to Honduras. An autonomy statute was promulgated in September 1987 which purports to establish a democratic and responsive program for meeting the special needs of the Caribbean coast minorities. However, it fails to address major issues of fundamental concern to the area's indigenous groups.

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The Indian Law Resource Center, in an April 1988 paper, wrote of the continuing war between the Miskito, Sumo, and Rama Indians and the Sandinista Government, in which the latter has committed many human rights abuses, including forced relocation, destruction of villages, mass imprisonments, killings, and disappearances. In 1988 the Government conducted three rounds of negotiations with some of the leaders of the Indian resistance organization Yatama, without reaching agreement on a cease-fire, autonomy for the Atlantic Coast, or other items in the agenda. Several small groups of Indian resistance fighters concluded separate agreements with the Sandinista Government during the year. The Government also continued to facilitate the return of Miskito refugees from Honduras. The U.N. High Commissioner for Refugees (UNHCR) office in Managua reported that 7,994 Nicaraguans had returned through UNHCR programs through the end of September.

Women are not subject to any special restrictive measures by the Government and participate actively in most levels of the economy and society. However, the traditional cultural constraints imposed upon women in Nicaraguan society remain largely unaltered.

Section 6 Worker Rights

a. The Right of Association

Article 87 of the Constitution provides Nicaraguan workers the right to associate in organizations of their own choosing and to elect their own representatives. In practice, however, the Government often uses coercion, economic pressure, or force to impede workers' rights to organize and elect their representatives. For example, in May, the Labor Action and Unity Central (CAUS), a Communist union and one of the four independent unions in the labor alliance Permanent Workers Congress (CPT), defeated a Sandinista union in elections for labor representatives at the Tona brewery in Managua. The defeated Sandinista Workers Central (CST), with the behind-the-scenes support of Commander Victor Tirado, began a campaign to oust the freely elected CAUS leaders. This campaign finally culminated on August 17, when some 300 turbas and a reserve military unit occupied the brewery. After firing 47 CAUS union members at Tona, a new labor directorate was "elected," largely composed of demobilized Sandinista soldiers.

According to independent labor leaders, the Ministry of Labor and Sandinista police were involved in the CST's ouster of the CAUS union representatives. The Tona labor dispute is a textbook example of the problems facing independent unions when they attempt to challenge a Sandinista-controlled union which is backed by the Government and FSLN mass organizations.

The right to strike is recognized in Article 83 of the Constitution. However, a decree law in 1981 stipulated that any worker who incited a strike could be jailed for up to 3 years. The Government in February used the Somoza labor code to declare a strike of automobile and construction workers illegal. The Government authorized the dismissal of the striking workers and dispatched hundreds of prisoners to replace them. In April, about 60 workers began a hunger strike to pressure the Government to accede to the strikers' demands. At the same time, hundreds of workers organized in small groups to solicit funds so the strike could continue. In response, the Government used special units of Ministry of

Interior troops known as the Black Berets (Boinas Negras) to intimidate the hunger strikers and their supporters. The hunger strike finally ended on May 15 after the Government cut water and electricity to the union headquarters; 28 supporters of the hunger strike were arrested.

The Sandinista Workers Central (CST) is affiliated with the Soviet-controlled World Federation of Trade Unions. The other major Sandinista labor central, the Rural Workers Association (ATC) is not affiliated with any international body. Anti-Sandinista trade unions are allowed a measure of freedom to maintain international contacts, although subject to government surveillance and harassment. For example, the Confederation of Labor Unification (CUS) is affiliated with the American Federation of Labor/Congress of Industrial Organizations (AFL-CIO) while other unions are associated with the International Confederation of Free Trqade Unions (ICFTU) and the World Confederation of Labor (WCL). The Government assigns Sandinista organizations to represent the Nicaraguan workers and employer associations in the International Labor Organization (ILO), giving rise to frequent credentials challenges in that organization.

A number of complaints alleging violations of ILC conventions on freedom of association, and the right to organize and bargain collectively have been filed against the Government of Nicaragua by ICFTU, WCL, the Latin American Central of Workers (CLAT), and the International Organization of Employers (IOE). In September an ILO study mission was dispatched to Nicaragua to investigate these allegations. Based on the results of this mission, the Committee on Freedom of Association concluded in November that the situation of employers' and workers' organizations and their members in Nicaragua was so serious as to warrant a commission of inquiry unless the Government of Nicaragua provided information "demonstrating a change of attitude" and "a clear desire to make progress" before the Committee's February 1989 meeting.

b. The Right to Organize and Bargain Collectively

Articles 82 through 88 of the Constitution contain a number of labor rights, including the right to negotiate individual or collective bargaining agreements. Nicaraguan workers, however, do not enjoy these rights in practice. The Government of Nicaragua does not prohibit, but also does not participate in, collective bargaining with independent labor unions; it directs its own Sandinista-controlled union, the CST, to accept what the Government proposes. With respect to working conditions, the Government simply does not negotiate with unions on this issue. In November, Jaime Wheelock, Minister of Agriculture-Livestock Development and Agrarian Reform, told members of the Sandinista-controlled union that if the workers attempted to strike he would "cut off their hands."

Restrictions on opposition union organizing activity are mostly extraofficial and indirect. Union activists are subject to state-sponsored intimidation by Sandinista militants. There are no economic priority zones where additional restrictions or regulations on labor apply.

c. Prohibition of Forced or Compulsory Labor

Although there is no official policy of using forced labor, the Government uses its mass organizations to mobilize local communities to perform specific economic development projects.

The CDS chiefs in various neighborhoods are responsible for organizing these labor crews for weekend work projects. Since the CDS is responsible for control of certain ration cards, failure to participate in these work projects can result in economic sanctions.

d. Minimum Age for Employment of Children

Children under the age of 14 legally are not permitted to work. Article 84 of the Constitution states that, "child labor that can affect normal childhood development or interfere with the obligatory school year is prohibited." This law is generally enforced in the small modern sector of the economy, but children frequently work on family farms at an earlier age.

e. Acceptable Conditions of Work

The Government has not strictly enforced employer compliance with occupational health and safety requirements. In June the Government suspended the National System for Ordering Work and Salaries, although it continues to serve as a "reference point" for employers in determing wages and salaries. The minimum wage for workers varies from sector to sector. For example, the average wage for agricultural workers is about $14 per month (plus food allocations and incentives). The average minimum wage for the industrial and service sectors is about $21 per month. With hyper-inflation having reached five-digit figures for 1988, the real purchasing power of workers has plummeted dramatically over the past year and the living standard for the working class has declined sharply. The government periodically adjusts state workers' salaries; however, as President Ortega recently acknowledged, these salaries are not adequate to provide the basic needs of workers.

The legal work week in Nicaragua is 48 hours for most workers. The legal workday for agricultural workers is 6 hours, and the work day in the mining sector is 7 hours.

PANAMA

Panama is currently a de facto military dictatorship headed by General Manuel Antonio Noriega, who has continued to exercise control over the Panamanian Defense Forces (PDF) since he was ordered dismissed from his post as PDF Commander in late February by President Eric Arturo Delvalle. Panama's Constitution provides for a representative democracy with direct popular election of the president and legislators, an independent judiciary, and a broad range of civil and individual rights. In practice, however, the military has dominated the nation's civilian political structures since a 1968 coup in which the military overthrew a civilian government; General Noriega has controlled the PDF since 1983. National elections which were held in 1984 were the first direct elections of the president since 1968. After a controversial vote count marked by irregularities and charges of fraud, a coalition of civilian political parties backed by the PDF took office, with Nicolas Ardito Barletta as President, Eric Arturo Delvalle as First Vice President, and Roderick Esquivel as Second Vice President. Barletta resigned in 1985 under pressure from the PDF and political leaders of the governing coalition. First Vice President Eric Arturo Delvalle then assumed the Presidency.

On February 4, 1988, federal grand juries in Tampa and Miami returned indictments of General Noriega on drug trafficking and drug money laundering charges. On February 25, President Delvalle dismissed Noriega from command of the PDF. Noriega defied the order, and on February 26 the National Assembly--in a process marked by charges that a quorum was not present and that authorizations to vote by proxy had been forged--voted to impeach Delvalle and Vice President Roderick Esquivel, disregarding both substantive and procedural provisions of the Constitution. The Assembly then purported to install the Education Minister, Manuel Solis Palma, as Minister in Charge of the Presidency. Delvalle went into hiding February 27, but refused to surrender the office of the Presidency. Throughout the extended political crisis which has followed, the United States has continued to recognize the Government headed by President Delvalle as Panama's lawful, constitutional Government.

Panama's security and police establishment both fall under the PDF, which consists of some 15,000 members, containing army, air force, navy, and police components.

The continuing political crisis has had a deep impact on Panama's service-oriented economy, which is sensitive to public and international confidence. It is projected that Panama's 1988 gross domestic product may have dropped by as much as 20 percent.

On March 16, a group of PDF officers attempted an unsuccessful military effort against General Noriega. In response, the regime imposed a national state of emergency, and closed opposition newspapers, radio, and television for the second time in less than a year. It also detained many of the participants in the military effort to oust Noriega. In late March and early April, the Civic Crusade, an opposition coalition of civic groups, professional and business associations, and church groups, staged a national strike that effectively paralyzed the economy for 2 weeks. The regime responded with a campaign of intimidation, arrests, and harassment to discourage opposition activities. Under the

state of emergency, constitutional rights were suspended. The PDF repeatedly used tear gas, baton charges, birdshot, and water cannon to break up peaceful antiregime protests. In September increasing frustration over the continuing political and economic crisis led to labor and student unrest. The political ferment which began in mid-1987 continued through 1988, despite increasing regime repression and a virtually total ban on opposition and independent media.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There was one known death as a result of political unrest during 1988. On March 16, during a demonstration in Panama City, Alcides Vasquez, a 26 year-old watchman, received serious wounds in the neck from birdshot, thought to have been fired by proregime forces. Vasquez died from these wounds on March 21.

b. Disappearance

In late September, the regime launched a wave of arrests and detentions of political opponents. Information on the whereabouts of many of the detainees was kept from family members and lawyers, and habeas corpus applications and appeals for the protection of constitutional rights were ignored. The Panamanian Human Rights Committee took the position in mid-October that 16 of these persons were still missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In 1988 the PDF repeatedly responded to peaceful antigovernment demonstrations with birdshot, rubber truncheons, water cannon, and tear gas. Hundreds of people were beaten or sustained other injuries at the hands of the PDF in protests, principally in the weeks following the dismissal order of Noriega by President Delvalle. On numerous occasions armed pro-Noriega bands fired shotguns and other firearms at random at buildings in pro-opposition neighborhoods. Several people sustained serious eye injuries. In late August, during a university demonstration that led to a particularly harsh regime reaction, nursing and medical students set up a makeshift first aid post inside a college building to treat wounded students. Reports indicated over 30 casualties were birdshot victims. The PDF routinely beat political demonstrators upon arrest. Police fired tear gas not only at crowds in the streets, but also into private homes and businesses. In early September, a group of students, parents, and faculty occupied the Instituto Nacional high school to demand its reopening after the regime closed it due to student disturbances. On September 18, the PDF, aided by armed proregime gangs, stormed the school, using a battering ram against the gate, firing tear gas and live ammunition, and beating students and parents alike. Several students attempting to flee ran to upper floors of the building and jumped from windows to the street. Several of these students were seriously injured, including at least three who broke both legs. Eyewitnesses said protestors, including some with serious injuries, were beaten by proregime forces and then

dragged to police vehicles. Persons who sustained injuries during political demonstrations frequently avoided seeking medical attention at state hospitals for fear of exposing themselves to detention.

Many of those detained during opposition demonstrations reported that they suffered degrading treatment in detention. They gave accounts of strip searches upon arrival at the jail and of being robbed of most of their possessions. Some jailed protestors were held incommunicado and placed in cells with hardened criminals. During their detention, which was usually of short duration (but occasionally for longer periods, as in one case where a demonstrator was held for 6 weeks), some detainees were subjected to threats of sexual abuse and of transfer to Coiba Island, a penal facility for hardened criminals. Human rights sources reported the case of a young man accused of involvement in a subversive plot against the regime who was beaten and tortured by electric shock. The same sources reported that the PDF then detained the man's father (who suffered from a heart condition), stripped him naked, and placed him in a small room, forcing him to stand with his arms against a wall for 10 hours with spotlights trained on him while his captors interrogated him. The man reportedly collapsed, and was later released without being charged. Another person (again, a father detained following his son's arrest) told of receiving identical treatment at the PDF's hands in September.

d. Arbitrary Arrest, Detention, or Exile

The Constitution establishes the right of a detainee to a judicial determination of the legality of the detention and requires a warrant for arrest, except for persons arrested during the commission of a crime. A suspect may not legally be detained for more than 24 hours without being charged and brought before a magistrate. Police are required to inform accused persons immediately of the reason for their detention. After being charged with a criminal offense, an accused person may be held until authorities conduct the investigation and bring the case to trial.

In practice, during 1988 the regime systematically disregarded constitutional and other due process mechanisms for protection of the accused when these provisions interfered with efforts to quell political opposition. The regime did not hesitate to engage in routine mass arrests of demonstrators and others identified with the political opposition.

The judicial system suffers from a chronic backlog, frequently resulting in incarceration for up to 3 years for prisoners awaiting trial, a group which constitutes a large portion of the prison population. Time spent in jail awaiting trial counts toward completion of the final sentence for those convicted.

Most of the hundreds of people detained during opposition demonstrations were arrested openly and charged with sedition, disrupting public order, or related offenses. However, many were never formally charged. A standard practice was to hold political demonstrators for short periods of time, generally up to 24 hours, and then summarily sentence them to 365 days' incarceration or a $365 fine. Some detainees were told that they would be summarily sentenced to terms in the Coiba Island penitentiary. At the end of December, human rights observers estimated that there were approximately 35 persons still in

political detention, including some 15 PDF officers held in connection with the March 16 attempt to oust Noriega.

In addition to mass arrests during demonstrations, other regime opponents were singled out for politically motivated harassment ranging from arrest warrants on obviously exaggerated charges to incommunicado detention. In some cases, prisoners have been moved from one place of detention to another, while authorities denied to attorneys and family members that they were being held. The regime also resorted to detention and harassment of family members and friends of persons it wanted to detain but who might have gone into hiding or left the country. Some of these, including several leaders of the opposition Civic Crusade and their allies, were forced into exile. At the end of 1987, over 20 opposition leaders and many less prominent oppositionists and their families remained in exile, fearing PDF reprisals if they returned to Panama.

Approximately 15 military officers were detained following the failed military effort of March 16 to force Noriega to comply with President Delvalle's dismissal order. The officers were originally held incommunicado, and reports indicated that some suffered serious physical abuse, both upon initial detention and on a continuing basis thereafter. Family members were eventually allowed occasional visits. These detainees are reportedly moved frequently among various prisons throughout Panama, and some are believed to be held in solitary confinement. As of December, the participants in the March 16 effort remained in custody without formal charge.

In another case, Civic Crusade leader and spokesman Carlos Ernesto Gonzales de la Lastra and a fellow activist were detained February 1 and charged with "conspiracy against the economic stability of the state." They were released a few days later, after paying $10,000 bail each. On March 28, Gonzales de la Lastra went to a PDF detention facility to assist fellow members of the Crusade who had been detained when the PDF dispersed a peaceful antiregime march. Upon being identified, he was beaten by police and arrested on charges similar to those for which he was originally arrested, his previously paid bail notwithstanding. Gonzales de la Lastra subsequently went into exile in Venezuela. On September 22, Alberto Conte, a prominent businessman and leader of the Civic Crusade, was detained at his office by the PDF, which failed to produce an arrest order as required by law. He was held incommunicado for 7 days before being permitted to see his wife briefly. Attempts by his family to locate him and establish his well-being during this period were rejected by the authorities. The Supreme Court rejected an application for habeas corpus brought on his behalf. In late December Conte was freed, but immediately sent into involuntary exile in the United States. Roberto Brenes, another leader of the Civic Crusade, was arrested without charge on December 20, held incommunicado overnight, and forcibly exiled to the United States the next day. Other detentions have included that of Dominador Kaiser Bazan, a businessman, former Ambassador to the United States, leader of the Republican Party, and Foreign Minister in the post-February 26 Delvalle Cabinet. Bazan was arrested on September 17, on the eve of a convention of the Republican Party, and charged with usurpation of public functions and attempting to commit a crime against the security of the State. He was released on $10,000 bail on September 21 in good condition. In another instance, New York businessman and Crusade activist

Carlos Alfaro was detained by PDF security forces on October 6 while departing Panama after a short visit. He was held for some 36 hours during which period he was interrogated and beaten. After the episode, Alfaro, a permanent resident of the United States, was released without charge and permitted to leave Panama. Aristides de Icaza, owner and director of Radio Exitosa radio network and an opposition leader, was detained and interrogated by the PDF at Panama's Torrijos airport on his return from a trip to Miami on December 29. He was then deported to Miami on December 30. Authentic Panamenista Party member Jose del Carmen Serracin, arrested by the PDF in September and held since then, was released and sent into exile to Miami on January 1, 1989.

During the year the PDF engaged in some 400 incidents of harassment of U.S military personnel and dependents in Panama. There have been several cases where the PDF beat servicemen, and in one case, an armed individual suspected of having PDF connections is alleged to have raped the spouse of a U.S. soldier. Other instances of harassment and abuse have been directed against personnel of the Panama Canal Commission (PCC), the U.S. government agency which operates and administers the Panama Canal. No arrests of PDF personnel have been made in any of these cases.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides that persons charged with crimes are presumed innocent until proven guilty and have the right to counsel. The local bar association and National University law school offer legal counsel at nominal fees. The Government provides public defenders for indigent defendants, but only after the pretrial phase. A new judicial code, which became effective April 1, 1987, provides for public trials based on oral testimony and argument. Because the new system has yet to be fully implemented, most trial procedures are still conducted with written presentations by the prosecution and defense without the presence of the accused. The documents produced are available for examination by both sides. In general, the burden of proof rests on the prosecution. The right to appeal a verdict is available to the prosecution and the defense.

The Constitution provides a number of safeguards designed to maintain the independence of the judiciary: the Supreme Court is chartered to uphold the Constitution and laws; magistrates are barred from simultaneously holding other public office or otherwise participating in politics; Supreme Court magistrates, who are nominated by the President and ratified by the Legislative Assembly, nominate all lower court judges. The Attorney General, appointed by the President and confirmed by the Legislative Assembly, appoints Superior Court District Attorneys, who in turn nominate Circuit District Attorneys. A system of magistrates, named by mayors, deals with a high volume of minor civil and criminal cases. Magistrates are empowered to impose fines of less than $600 and to order detentions of up to 1 year, and their decisions can be appealed only to the mayor and not to any judicial official.

In practice, these legal safeguards have not ensured an independent judiciary. The courts are easily controlled by the Panamanian military and by regime politicians who control the appointment of magistrates. The most serious obstacle to

obtaining a free and fair trial lies not in the system as it is designed, but in the influence of the PDF over the judiciary. The PDF not only interferes with the outcome of specific trials but, in practice, appoints judges and transfers or dismisses judges who do not respond to PDF directives. This influence extends to the appellate as well as the trial system.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Some regime opponents charge that mail is tampered with or diverted and that telephone calls are extensively monitored. Under the Constitution, judicial warrants must be issued before officials may enter homes, but because the judicial system is heavily influenced by the PDF, warrants to search homes of regime opponents have been freely granted. In addition, the PDF and their supporters frequently searched homes and detained individuals without obtaining or producing appropriate warrants or court orders. Threats of home searches by the intelligence arm of the PDF are regularly employed as a means of intimidation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press, and Panama has traditionally enjoyed free media which engaged in spirited and open criticism of the Government. The Government responded to the 1987 political crisis by imposing harsh media curbs, and by intermittent suspension and reopening of opposition media during the latter half of the year. Opposition newspapers were permitted to reopen for a time in January, with radio stations following in February. However, in late February, the PDF occupied and closed down four opposition newspapers and four radio stations. These newspapers, and all of the closed radio stations with the exception of one, remained closed as of December. In February the regime also halted the local distribution of foreign news publications.

On a number of occasions in 1988 the regime expelled foreign news correspondents. Julia Preston of the Washington Post arrived in Panama on January 10 but was refused entry into the country and put on a return flight to the United States. While the stated reason for refusing Preston entry was her lack of appropriate documentation, she possessed the same travel documents which other journalists customarily use to gain admission to Panama. Later in January, the Government expelled Sam Dillon of the Miami Herald. On February 13, Cable News Network (CNN) correspondent Larry Lamotte and two members of a CNN crew were expelled for allegedly biased reporting. On March 28, the PDF staged a raid at a Civic Crusade headquarters at a downtown Panama City hotel and arrested numerous members of the media, along with Crusade leaders.

Throughout the year, the regime pressured local television stations to modify their news coverage to suit its policies, and continued to harass local journalists. In some cases, family members of opposition journalists were threatened with loss of government jobs and had their homes searched. The silencing of opposition newspapers was particularly significant in light of the opposition's limited access to

electronic media. As of the end of 1988, the only local newspaper not under complete regime control was the semi-independent (though proregime) Estrella de Panama. Although editorial policy has varied, no television station expresses a clearly oppositionist viewpoint, and opposition figures own only 5 of the more than 70 radio stations in Panama. Reliable reports indicate that self-censorship is exercised, in varying degrees, in all media that continue to operate.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, but interference with this right on a systematic basis was a key means of regime repression of opposition activity during the year. Throughout 1988 regime policy on demonstrations required a 24-hour advance notice and a prohibition on certain activities which have, since mid-1987, been trademarks of opposition demonstrations, such as horn-honking, obstructing the flow of traffic, and throwing white confetti. The PDF resorted to harassment and random detentions to disrupt protests. On occasion it preemptively deployed large numbers of riot police and groups of armed proregime supporters in civilian clothing around demonstration sites to discourage protesters from gathering. The PDF responded to many peaceful protests with the use of tear gas, baton charges, birdshot, and water cannon. In an exception to regime policy on public demonstrations, there was general tolerance for the mass outdoor gatherings which accompanied the funeral of Dr. Arnulfo Arias Madrid, former president of Panama and head of the opposition Authentic Panamenista Party (PPA). It was estimated that more than 100,000 Panamanians participated in the August 15 funeral of Arias, during which many participants engaged in antiregime chanting and sign-waving.

Panamanian professional, social, and civic groups have traditionally been allowed to meet without interference, but as the activities of these groups became politicized, the regime began a campaign of harassment, issuing arrest warrants against leaders and continuing to keep the Chamber of Commerce, which served as Civic Crusade headquarters, closed. On March 28, the regime promulgated Decree 26, which prohibited nonprofit groups (which range from charities and religious orders of the Catholic Church to civic service clubs such as the Lions Club and the Red Cross) from supporting or engaging in any activity the regime considered to threaten the security of the State. Many of these organizations had been involved in civic and other activities in support of basic freedoms, which the regime has considered opposition political activity. By December, however, no known actions under Decree 26 had been taken against any nonprofit groups.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of religion

The Constitution provides for religious freedom for all. There is no state religion. Although Roman Catholicism is the predominant religion among Panamanians, there are no restrictions on the free exercise of religious beliefs, including proselytizing, and a broad range of religious groups operate freely in Panama.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution permits Panamanians to move freely within the country and to emigrate. However, freedom of movement was frequently curtailed in the weeks following President Delvalle's order dismissing Noriega. PDF members manning checkpoints searched vehicles and asked for passenger identification, at times detaining persons with surnames associated with leaders in the opposition.

Panama has accepted refugees of widely differing ideological persuasions, and hundreds of displaced persons and exiles from other countries reside in Panama. No cases of forcible repatriation of political exiles occurred in 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although Panama is nominally a representative democracy, it is in fact a military dictatorship. The PDF dominates government and politics in Panama. Manuel Solis Palma, installed February 27 as the regime's Chief Executive, has been subservient to the PDF. The PDF controls national politics in part through the governing Democratic Revolutionary Party (PRD), its political arm. The PRD has had an absolute majority (34 of 67) in the Legislative Assembly since the elections of 1984, and through alliances with other parties, it controls a number of other seats. As noted above, the regime has taken numerous steps to hinder the organizational efforts of its political opponents. In September armed gangs under suspected PDF control used strong-arm tactics to expel members of the antiregime majority of the Republican Party from an important party meeting. As a result, a proregime minority was able to dominate the meeting. In January the regime-appointed Electoral Tribunal had ratified a proregime minority takeover in the antiregime Liberal Party.

Under these conditions, and given the ban on opposition and independent media, many observers doubt that a free election is currently possible in Panama, or that the current regime would step down if it lost such a vote. National elections are scheduled for May 1989.

Women are accorded equal political rights under Panamanian law. The 67 members of the Legislative Assembly include 4 women. Of the 134 alternate legislators, 23 are women. Three independent agency directors and one vice-minister are women. Women also serve as Chief Justice of the Supreme Court, president of the three-member Electoral Tribunal, and mayors of Panama City and San Miguelito.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several private human rights groups operate in Panama. Since the political crisis which began in June 1987, these groups have collected data about individual cases of abuse, acted as advocates for detainees, observed opposition demonstrations, and voiced their concerns about human rights violations. While the Government made little or no effort to cooperate with these groups, it has not made a practice of singling out their leaders for harassment or persecution. However, the regimes's practice of intimidation and general human rights

violations, coupled with an unwillingness on the part of the judiciary to protect the constitutional rights of those accused of political offenses, have inhibited human rights activism.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

The Constitution prohibits discrimination on the basis of race, birth out of wedlock, social class, sex, religion, or political views. Due to traditional bias and general economic conditions, Panamanian women do not enjoy the same economic opportunities as men. Panamanian law does not recognize community property, and divorced or deserted women are often left destitute. Female employment in urban Panama is concentrated in traditionally low-paying service jobs. Although the Constitution mandates equal pay for equal work, wages paid to women are lower than those for equivalent work performed by males and increase at a slower rate. According to the 1980 census, women slightly outnumber men in the professional and technical fields, are twice as likely as men to be clerical office workers, and are underrepresented at the managerial and administrative levels. Many female heads of households in the country's poorer areas are obligated to work for the Government, usually as street cleaners, in order to receive government support funds.

Panama is a racially mixed country. The traditional monopoly of power by persons of European descent was effectively ended with the ouster of the civilian government by the military in 1968. People of mixed race are active politically and are represented in senior civilian positions in the executive branch, in the PDF, and in the legislature, where there are also five Indians. Prominent among the minorities which retain some degree of separate identity are English-speaking Blacks, Jews, Arabs, Greeks, Chinese, East Indians, and North Americans. Despite their small numbers, all of these groups play major roles in Panama's urban economy. There is no discrimination in law against these or any other social, religious, or cultural groups. However, naturalized citizens are forbidden to hold certain categories of elected office, and retail trade is constitutionally restricted to native Panamanians. While innumerable exceptions exist, Caucasians, Asians, and persons of mixed race tend to be better off economically and to occupy higher positions in government than do Blacks and Indians.

Indian tribes receive government assistance, particularly in the areas of public health, welfare, and education. They are not restricted to their tribal areas, but most remain there by choice, reflecting longstanding resistance to assimilation. Indians enjoy full voting rights and all other rights of Panamanian citizenship, as well as limited self-government in tribal areas. They play significant roles in the governments of four provinces.

Section 6 Worker Rights

a. The Right of Association

Workers enjoy a wide range of benefits under the law. The rights to organize labor unions and to strike are generally unrestricted in the private sector as well as in certain public sector agencies specified by law. According to Labor Ministry statistics, about 17 percent of the employed work

force belong to unions. Elections within Panamanian labor organizations, as well as employer and professional associations, are generally democratic and free from government interference. These organizations are unrestricted in their right to affiliate with international bodies, and their members may freely participate in political parties and other aspects of Panamanian political life.

Most public sector employees are not permitted to form unions or to strike, but may establish representative associations and have access to government dispute-resolution procedures. In August the Federation of Public Sector Employees (FENASEP) staged work stoppages and a large protest march without regime interference. Further job actions by FENASEP members followed in September. The electrical and port workers' unions (the strongest and most militant of the public sector unions) were also involved in labor disputes in September. The regime responded to these labor actions by firing over 100 of the workers involved, and by detaining some 40 union members, including union leader Isaac Rodriquez (who had been in hiding for more than 3 months earlier in the year for charges stemming from a previous job action, and whom the regime subsequently detained and then exiled to Spain). During this time, senior military officers were placed in charge of the national port authority and the electrical company. At one point during the port strike, troops were used to occupy the Pacific Ocean ports of Balboa and Vacamonte. Reports indicate the regime threatened antiregime public sector workers with dismissal if they persisted in job actions. There have been reliable reports of actual politically motivated firings in the public sector work force.

b. The Right to Organize and Bargain Collectively

The right to organize unions and bargain collectively is well established legally and is extensively exercised in practice. However, there are limitations on the right of employees in the Colon Free Zone and the offshore banking sector to organize unions.

The Government periodically consults with organized labor and employer groups on a range of public policy issues, and both sectors are entitled by statute to representation on important government boards, such as those governing the social security fund and the vocational training institute.

c. Prohibition of Forced or Compulsory Labor

Forced labor, which is prohibited by the Panamanian Constitution, is not practiced.

d. Minimum Age for Employment of Children

Labor is prohibited for children under age 14, or under age 15 if the child has not completed primary school. Both hazardous work and night work are prohibited for persons under age 18. Children between ages 12 and 14 may perform farm or domestic labor as long as the work is light and does not interfere with their schooling.

e. Acceptable Conditions of Work

Panama has a comprehensive labor code which gives extensive rights and benefits to workers. The maximum workweek is 48 hours. The law has established a minimum wage for most work

categories and requires substantial bonuses to be paid for overtime. Although labor code reforms in 1986 released employers from the obligation to pay certain bonuses and overtime premiums, employers continue to be legally required to provide workers with compensation adequate for a decent standard of living. The economic downturn resulting from the political turmoil which has persisted since mid-1987 has caused many employers to reduce work hours and/or employee pay in order to cut expenses and stay in business. Many workers preferred the nonenforcement of certain labor code provisions to a permanent loss of their jobs.

The labor code details numerous health and safety standards for all places of employment. Pregnant employees receive 12 weeks' mandatory maternity leave and the right to return to their jobs. The Ministry of Labor and Social Welfare is responsible for ensuring compliance with these regulations, but limited resources hamper strict enforcement of some labor code provisions.

PARAGUAY

Paraguay, independent since 1811, seldom has had a democratic government. President Alfredo Stroessner has ruled since 1954, dominating the military, police, bureaucracy, and ruling Colorado Party. His firm control over the nation was reinforced once again in the general election in February 1988, when he won another 5-year term, and his Colorado Party again obtained two-thirds of the seats in both houses of the legislature. President Stroessner also is Commander in Chief of the armed forces and the ranking active-duty army general. The legislative and judicial branches of government clearly are subordinate to the power of the executive. There are three legally recognized opposition parties, two of which have participated in recent elections. The third has boycotted recent elections, calling the balloting a farce. There also are several nonrecognized political parties which constitute most of the meaningful political opposition to President Stroessner's Government. During the campaign, the Government severely restricted the nonparticipating opposition's ability to organize public and private meetings. By law, the participating opposition parties share proportionately a third of the legislative and municipal council seats, no matter how small the total vote they receive.

Internal security is largely the responsibility of the police. The military is seldom called upon to help control the civilian population. The police, under the authority of the Ministry of Interior, play the major role in human rights practices. One of their most important responsibilities is to keep tight control of all opposition to Stroessner's rule, including limiting public expression of discontent. Police regularly break up rallies and meetings and make arrests, often brutally. Abuse of criminal detainees at the hands of the police is common. Political detainees occasionally complain of mistreatment but rarely of torture.

Paraguay is predominantly an agricultural country. Construction of the massive Itaipu hydroelectric project with Brazil from 1976-81 greatly accelerated economic development. Work with Argentina on the Yacyreta dam could further spur the economy. In 1988 the economy continued to recover from the recession of 1986, caused by the adverse effects of a severe drought on the agricultural sector. Paraguay's double-digit inflation rate continued to be a cause for concern.

The Government continued to repress human rights and to do so unpredictably. Not only did authorities violate at will constitutional and legal provisions protecting persons and groups, but they did so inconsistently. Such extralegal arbitrariness made it difficult for those opposing the Government to know the boundries within which they were allowed to operate. The only guaranteed safe course was to refrain from any criticism of the Government.

Since the pro-Stroessner Militant faction seized control of the Colorado Party from the politically more flexible Traditionalists at the August 1987 party convention, there has been an increase in the number of significant violations of civil and political rights. Arbitrary short-term detentions of opposition figures, including Traditionalist Colorado Party members, have increased substantially. In 1987 and early 1988, detentions largely were related to the February election. Government officials continued to ignore constitutional provisions for protection of the integrity of the individual,

the requirement for judicial warrants, freedom of assembly and association, the right to a judicial determination of the legality of detention, and the provision for a prompt and impartial trial. Opposition rallies were broken up and demonstrators beaten by police or Colorado Party supporters. These practices continued despite the fact that the decades-long state of siege, allowed to lapse in 1987, was not reimposed. Following the May visit of Pope John Paul II, the Government launched a vocal campaign against the Paraguayan Catholic Church, accusing it of advocating liberation theology. The same restrictive environment imposed on the press in 1987 continued without a letup, with none of the major publications or radio stations closed in 1987 allowed to reopen in 1988. Press freedom was curtailed further by the Government's closing of a small periodic journal of political and literary opinion. In the final quarter of 1988, the Government engaged in a crackdown against opposition politicians and the Church which may have been related to President Stroessner's prolonged absence due to health problems.

There was improvement in some areas. No political murders, disappearances, or long-term detentions were reported. In general, however, the poor human rights situation in Paraguay in 1988 mirrored that of 1987. In fact, the Inter-American Commission on Human Rights, in its 1987-88 annual report, stated that nothing has occurred that would alter the conclusions of its Special Report on Paraguay for 1987, a report that noted excessive concentration of executive authority, serious abuses of personal freedom and liberty, and restrictions on the full exercise of trade union rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported cases of politically motivated deaths.

b. Disappearance

There were no reported cases of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There was one alleged case of torture of a political prisoner by the Government in 1988, the first in several years. Gustavo Zimmerlis Alcaraz, a youth leader of the Popular Colorado Movement (MOPOCO), was arrested on January 26 and accused of distributing Marxist literature in front of a government building in Asuncion. He stated that he was forced under torture to sign a confession admitting subversive activities by being beaten with fists, having a plastic bag placed over his head, and being threatened with submersion in a tub of water. Zimmerlis was released after 2 months, with no formal charges having been made against him. His detention was protested by most opposition political and local human rights groups.

Several other opposition figures also claimed to have been mistreated while in custody or during the arrest process,

including members of political parties, trade unions, and rural organizations. In February three Authentic Radical Liberal Party (PLRA) members claimed they were detained by police when they attempted to enter the home of party leader Domingo Laino for a meeting and press conference and were subsequently beaten with clubs, wooden sticks, and the butt of a handgun. In May police beat a member of the Federation of Bank Workers while he was in detention; he was one of a group of persons arrested while leaving a church where they had fasted in a demand for economic, political, and social change. Also in May, rural leaders Corsino and Nicanor Coronel, father and son, claimed they were beaten by police while being detained for 13 days during the Pope's visit.

Police abuse in criminal cases appeared to be common. In one example, the press reported torture by police of suspected narcotics traffickers in the city of Pedro Juan Caballero.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for a judicial determination of the legality of detention and stipulates that any person arrested without a warrant must be presented formally before a judge within 24 hours of his detention and have charges filed against him within 48 hours. Authorities continued to ignore these provisions routinely in 1988 in both political and criminal cases, as they have done in the past. The case of medical intern Hector Lacognata and folksinger Ricardo Flecha is illustrative. The two were arrested in January at a rally at Asuncion's Hospital de Clinicas. The Supreme Court sent two writs of habeas corpus to the police. The police, according to press reports, ignored the court. No charges ever were filed against the two, but they were held incommunicado for 6 days.

Incommunicado detention was common for political prisoners; more than one-third of the political detainees were held incommunicado, according to available information. A Paraguayan journalist was detained and held incommunicado on November 17 as he disembarked from his flight from the United States. He was held for 4 days without charges before being released unharmed. A Paraguayan writer, arrested on the same day, was held 13 days incommunicado before he was released with no charges having been filed against him.

Paraguay's drug police have been detaining and holding suspected drug traffickers without charge beyond the 48-hour period. Paraguayan lawyers for those suspects have been seeking their release through a judicial determination of the legality of the detention, generally without success.

In mid-September, five former members of the Popular Democratic Movement were arrested and held incommunicado for 1 month under the provisions of Law 209 (defense of public peace, i.e., national security) before being released without charges filed. On October 22, the Secretary General and candidate for the party presidency of the Christian Democratic Party, Luis Andrada Nogues, was arrested and held for 2 days without explanation. Authentic Radical Liberal Party President Domingo Laino was detained and held for several days on three different occasions in October.

Other prominent Paraguayans held under arbitrary detention in 1988 were human rights attorney Eduardo Morales, held for 3 months, part of that time incommunicado, on a charge of

sedition. He was released on bail after staging a hunger strike. Authentic Radical Liberal Party (PLRA) leaders Domingo Laino and Miguel Abdon "Tito" Saguier, rural leaders Carmelino Torales, Corsino and Nicanor Coronel, and Hospital de Clinicas union leader Carlos Filizzola, none of whom were charged, were arrested in 1988. The private Paraguayan News Agency (PARPRESS) has reported many other detentions, based upon reports it received from a local human rights group, PRODEMOS.

Over time, the relationship between the International Committee of the Red Cross (ICRC) and the Paraguayan Government has evolved to the point that ICRC delegates are now allowed to visit privately, after obtaining permission from the Ministries of Justice and Interior, virtually any prisoner in whom they express interest. Local judges, including the five Supreme Court justices, also routinely visit local prisons to meet with and investigate the condition of prisoners.

Arbitrary, short-term detention was used primarily against the political opposition, including dissident Colorado party members. According to public sources, in the first 10 months of 1988 roughly 276 opposition political activists were detained arbitrarily and held at least overnight. An unknown but significant number of others were detained for several hours but were not incarcerated overnight. The number of arrests during the first 10 months of 1988 was 23 more than the number arrested in all of 1987 and 86 more than the total for all of 1986. Approximately 100 of the 276 were held less than 48 hours, 118 were held more than 48 hours but less than a week, and 41 were held longer than 7 days.

The state of siege ordinance, which was allowed to lapse in 1987 after being in effect almost continuously since 1929, was not reimposed in 1988. According to one leading human rights activist, however, repression was greater after the state of siege lapsed than it was during the last few years that it was in effect.

In a case that received international attention, one of Latin America's best-known prisoners, former army captain Modesto Napoleon Ortigoza, chose to flee the country in June after months of government harassment following his release from prison. Ortigoza was released from prison in December 1987 after completing a 25-year sentence for allegedly killing a military cadet during an aborted coup plot. Following his release, Ortigoza was ordered to a small town for 30 days and then, when he was finally allowed to return to his mother's home in Asuncion, was placed under house arrest. Eventually, with the help of an opposition leader, he escaped to the residence of the Colombian Ambassador, who offered him asylum and accompanied him on a drive to safety in Argentina in June.

Two other Paraguayans sought asylum in foreign embassies in 1988. PLRA leaders Hermes Rafael Saguier, who had helped Ortigoza escape to the Colombian Embassy, and his brother Miguel Abdon Saguier both abandoned their asylum voluntarily without leaving the country, and neither subsequently was detained.

The Government continued to use exile as a means of political control. Members of the illegal Paraguayan Communist Party remained in exile. A member of the party attempted to return in January, but was detained at the border and expelled a month later. In October the Government arrested and expelled

four former priests, all foreigners, accusing them of possessing and distributing subversive literature.

In another type of arbitrary punishment, Mario Mancuello, the father of a person who disappeared in 1976, for the 12th year had to report to a police station daily by 7 a.m. to sign a notebook.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

In general accordance with the civil law tradition, trials are conducted almost exclusively by presentation of written documents to a judge, who then renders a decision. The accused often appears before the court only twice--to plead and to hear sentencing. All judgments are automatically reviewed by an appellate judge, and appeals to the Supreme Court are possible. Part of both civil and criminal proceedings are open to the public and often are reported in the press. However, court proceedings in cases of a sensitive political nature are held in secrecy, and subsequent press reports are based only on the attorneys' or judges' comments.

The Constitution and the penal code provide numerous safeguards to protect the rights of individuals. However, the judiciary is subordinate to the executive branch, which exercises its influence through the presidential appointment of judges, control over the judiciary's budget, and through Colorado Party discipline. Supreme Court justices are appointed to serve for the 5-year term of the President. Executive interference, administrative shortcomings, and the lack of adequate financial support for the judicial system limit the right of an accused to a fair and speedy trial. Many accused serve in detention the normal time prescribed as a penalty for the crime of which they are accused and are released without ever having their trial proceedings completed. The widespread perception that judicial protection depends on political, military, or economic power engenders sufficient fear to prevent most citizens from confronting political or police authority.

Rafael Mella Latorre, a Chilean sentenced in 1980 to 6 years in prison as an accomplice in the murder of Anastasio Somoza, remained imprisoned after completing his sentence. He is awaiting the outcome of his trial for involvement in a prison riot, even though he already had served more time in jail after the disturbance than the penalty for that offense required.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While government and security forces generally do not interfere in the private lives of citizens, there are notable exceptions. Although private homes are protected constitutionally from police entry except under the terms of a judicial warrant or to prevent a crime, this protection is ignored in practice. In April police, without a judicial order, broke into the house of two brothers belonging to the PLRA, seriously injuring both.

Security forces routinely intercept and open private mail and monitor private telephone conversations. According to Paraguayan Human Rights Commission head Carmen de Lara Castro,

the Government regularly opened the organization's incoming and outgoing mail. Also, the Commission encountered difficulties in mailing a bimonthly newsletter it published for an international audience. Opposition leader Domingo Laino's home telephone service was restored in September after being out for 8 months. The line was cut a few days before the February election.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Despite broad constitutional assurances of freedom of speech and press, in practice the Government tolerates only limited amounts and kinds of criticism. For example, direct criticism of the President, members of his family, or the military by the print and broadcast media can result in reprisal. In April the Attorney General charged opposition leader Miguel Abdon "Tito" Saguier with sedition for his statement to a reporter during a visit to Washington that he thought the Government of Paraguay protected narcotics traffickers.

Freedom of speech and press suffered a further setback when the Government again shut down La Republica, an opposition periodic journal of political and literary opinion. Otherwise, press freedom remained as it was at the close of 1987, with the Government refusing to allow the Revolutionary Febrerista Party's El Pueblo (Paraguay's only opposition newspaper when it was shut down in 1987), the independent paper ABC Color or radio station Nanduti to reopen. (A government permit is required to publish a newspaper.) According to a press account, three local journalists from the French Press Agency (two Paraguayans and an Argentine) were physically mistreated, arrested, and their cameras and recording equipment seized in January at an opposition-sponsored forum on free elections. Two visiting West German journalists were detained October 27 by Paraguayan authorities and later expelled without explanation.

Other independent media outlets received strongly worded warnings and thinly veiled threats, either printed in the Colorado Party's daily newspaper, or broadcast in its daily national radio program. Journalists exercise a cautious self-censorship as a result of indirect threats and fears of reprisals, although editors of the more independent media, such as Radio Caritas, Radio Primero de Marzo, and the newspaper Ultima Hora, said they rarely received direct government orders against printing or broadcasting certain stories. One of the strongest unstated prohibitions for the local media is discussion of the President's health. In September the lack of information in the media at a time when Stroessner was hospitalized for an operation fueled rumors that he had died.

Paraguay has two universities. The larger is the public National University, funded and operated by the Government. The smaller is the private Catholic University. Although under Paraguayan law the National University is autonomous, in reality faculty positions are reserved for Colorado Party members, and even dissident Colorado students complained about the lack of differing perspectives taught in the classroom. The Catholic University is noted for its greater academic freedom. Party membership was not a criterion for admission to the National University, and student groups representing opposition parties and dissident Colorado factions openly

participated in free, student government elections in May and June, winning most of them. The Paraguayan University Student Federation, an independent umbrella group of student organizations, defeated the government-controlled University Federation of Paraguay for the affiliation of most of the new student governments. At the teaching hospital of the National University, students and professors joined doctors in striking to protest the renaming of Dr. Arnulfo Molina as chief of the second surgery ward over Dr. Jacques Balansa, winner of a competitive selection process. The country's Supreme Court later ruled in favor of Balansa, and the university's regents, after delaying, voted to install him.

b. Freedom of Peaceful Assembly and Association

The rights of peaceful assembly and association, though provided for by the Constitution, are violated regularly in practice. Despite the expiration of state of siege provisions which required a permit for any public gathering in excess of five persons, the police routinely insisted on prior authorization for any meeting involving the political opposition, labor, or students. This provision was not enforced for members in good standing of the Colorado Party and the two participating opposition parties, or in cases involving nonpolitical groups.

In January 200 opposition figures (including the presidents of two political parties), journalists, and human rights activists were arrested as they attempted to attend a panel discussion on free elections sponsored by the political opposition's National Coordinating Council for Free Elections in the interior city of Coronel Oviedo. In February, when the organizers again tried to hold the event in the interior town of Potrero Guazu, police and Colorado Party supporters violently disrupted the forum, beating opposition participants and vandalizing the Catholic church where the event took place. Police continued to prevent Radio Nanduti, which the Government closed in 1987, from holding public forums in the station's auditorium.

In June police blocked the entrance to the hall in Asuncion where youth of Paraguay's Revolutionary Febrerista Party were to host a regional meeting of Latin American political youth groups. The Government previously had prohibited the meeting. Six persons were arrested.

In July police twice prevented FETRABAN, a legally recognized union of bank workers, from holding its annual assembly to elect new officers. The police said advance notice was required because, it contended, FETRABAN was a political organization rather than a trade union. FETRABAN then obtained a court ruling in its favor, and held its assembly without interference in early August.

In September police wearing civilian clothes invaded a private home in Caacupe to break up a meeting of the Authentic Radical Liberal Party, beating four party leaders, including chairman Domingo Laino. The police did not make any arrests. In October police in downtown Asuncion violently broke up an unauthorized peaceful march by women protesting the molesting of teen-age girls by gangs of youth at an outdoor celebration a week earlier. Also in October police blocked the entrance to a theater, preventing the Christian Democratic Party of Paraguay, which has not been officially recognized, from holding its annual convention.

PARAGUAY

Paraguayan police violently dispersed an October 26 march by seminarians, nuns, and priests to protest the expulsion of four former priests accused of subversion. On November 23, police and military authorities in Concepcion prevented a Church-sponsored march to protest derogatory public statements by a Colorado Party official about the Bishop of Concepcion.

In mid-October, a senior police official notified the president of the PLRA that all political activity by the PLRA was forbidden. On October 18, police disrupted a PLRA ceremony commemorating the founding of the Liberal Party, arresting three party activists. Government authorities also prohibited a march planned for December 10 to celebrate the 40th anniversary of the signing of the Universal Declaration of Human Rights. Police blocked streets and chased the 300 or so individuals who tried to convene for this march, clubbing many of them. Police arrested 107 persons; many were detained for several hours and some for more than a week. A number of prominent opposition figures were among those arrested, including Domingo Laino and Miguel Saguier.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Roman Catholicism is the predominant and official religion in Paraguay, but the Constitution provides freedom of conscience for other denominations. That freedom is respected in practice. Adherence to a particular creed confers no automatic advantage, and conversion from one faith to another is permitted. Foreign and local missionaries proselytize openly.

After the visit of Pope John Paul II in May, the Government launched a highly critical media campaign against the Paraguayan Catholic Church for allegedly espousing liberation theology. In July a Spanish Jesuit priest was arrested, detained, and expelled after participating in a National University panel discussion on his theology. Afterward, the Government allowed a church-sponsored silent protest march against the expulsion; thousands participated peacefully before the event ended in violent clashes with police.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In general, Paraguayan citizens travel freely within the country with virtually no restrictions, but there are periodic and random roadblocks established in rural areas to verify possession of national and voter registration cards and the current payment of registration fees. Citizens who do not oppose the Government can enter and leave the country without restriction. However, the Government continued to restrict the travel of a number of citizens active in the political opposition or labor movements. In 1988 at least four Paraguayan citizens--Radio Nanduti owner Humberto Rubin, rural leader Corazon Medina, and Hospital de Clinicas union leaders Elsa Mereles and Carlos Filizzola--were denied travel documents, preventing them from enjoying their constitutional freedom to travel abroad.

PARAGUAY

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Stroessner dominates the Paraguayan political scene. He exercises political control over the executive, legislative, and judicial branches through the Colorado Party, which administers public patronage, and through the military and police forces, which maintain public order. The ruling party's two-thirds majority in the Senate and Chamber of Deputies gives the Colorados complete control of the legislature. The legislative branch never has rejected any significant presidential proposal nor adopted any significant legislative proposal by the opposition. By statute, one-third of the seats in the legislature are held by the opposition, divided proportionately between the two opposition parties that participated in the national election. Their legislative presence vastly exceeded the combined 10 percent of the vote they are credited with receiving in recent elections. They express their views and criticize the Government, but have no real power.

General elections, held every 5 years for the presidency and legislature, took place in February. According to official figures, President Stroessner won nearly 90 percent of the vote against candidates of two participating opposition parties, the Radical Liberal Party (PLR) and the Liberal Party (PL). The third legal opposition party, the Revolutionary Febrerista Party (PRF), as usual, chose not to take part, claiming that government control over the political process would make such participation meaningless. The three nonrecognized opposition parties, which are the PRF's partners in the National Accord, also did not seek to participate. Colorado Party totals for the legislative election were only slightly lower than the presidential figure, continuing the party's two-thirds majority in both houses.

Municipal elections, also held nationwide every 5 years, will be held next in 1990. The law requires that all Paraguayans between 18 and 60 years of age vote. Sanctions for not voting rarely are applied except against public service employees.

Control of the electoral machinery by the dominant Colorado Party and the absence of participation by most opposition parties significantly diminished the importance of the February election. Provisions for secret balloting frequently were violated. Vote counting at some polls was done without the presence of an impartial or opposition poll watcher; individual parties had the responsibility to provide poll watchers.

Colorado Party membership is essential for employment in the Government, including, with few exceptions, the judiciary, the teaching and administrative staffs of public schools, the National University, state enterprises such as public utilities, and the security services.

Although the Constitution provides for equality of political rights for women, in practice women play only a minor role in Paraguay's political life, and the executive and judicial branches of government have few prominent female officials. There are four women currently serving in the Paraguayan legislature, two in the Chamber of Deputies and two in the Senate.

PARAGUAY

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In general, the Government continued to react negatively to any foreign comments about its human rights record, describing such comments as unwarranted interference in Paraguayan internal affairs. The Government for years has cooperated with the U.N. Human Rights Commission, and in 1988 facilitated two visits from U.N. Rapporteur Rivas Posadas. However, in July the Government barred the visit of a special U.N. human rights envoy who sought to look into the status of Paraguayan court cases involving the custody of several children allegedly taken from their parents during the Argentine "dirty war" and brought to Paraguay by their adoptive Argentine parents. Paraguay again in 1988 refused to allow the Inter-American Human Rights Commission to visit, arguing that the U.N. and O.A.S. should coordinate their efforts.

Local organizations remain active in the investigation and defense of human rights in Paraguay. Four major human rights groups operate in Paraguay: The Comite de Iglesias (supported by foreign churches), the Paraguayan Human Rights Commission (which publishes a periodic newsletter), PRODEMOS (a group that includes Roman Catholic Bishop Mario Melanio Medina among its leaders), and the local chapter of the Association of Latin American Lawyers for the Defense of Human Rights. The Catholic Church also is an active advocate of human rights. The Church's weekly newspaper, Sendero, includes reports on alleged human rights violations as a major part of its editorial format. These groups not only assist in providing legal defense for victims of human rights abuse, but also aid in informing the international community about conditions in Paraguay.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The common unifying elements in Paraguayan culture are its Roman Catholicism and its Guarani-language roots. There is no clear evidence of discrimination based on race, religion, or language. In fact, in political and military circles, fluency in the indigenous Guarani language and ties to peasant or rural origins are considered advantageous.

While the traditional social system limits the participation of women, they long have been active in the economy, particularly those from lower income groups, and they increasingly participate in business, the professions, and the artistic world. Women usually receive less remuneration than men for comparable work. There are two organizations concerned with women's rights--an auxiliary organization of the Colorado Party, and the Union of Paraguayan Women (UMPA), an organization founded in 1982 by a former opposition national deputy. Women for Democracy, formed in 1987, includes professional and politically active women from a broad political spectrum, but none who are involved in or supporting the Government.

Paraguay has an unassimilated Indian population estimated at between 75,000 to 100,000. The Government's National Indigenous Institute has the authority to purchase land on behalf of the Indians and expropriate private property under certain conditions to establish tribal homelands. The Government actively encourages church groups to work with

indigenous populations in health and welfare, as well as in religious matters. The problems of the indigenous population, particularly those involving land claims, continued to receive frequent coverage in the media.

Section 6 Worker Rights

a. The Right of Association

Paraguay has been without beneficiary status in the U.S. Generalized System of Preferences (GSP) program since 1987, when it was found not to be in compliance with the GSP statutory requirements regarding internationally recognized worker rights. Paraguay was removed from the program after a review of allegations that Paraguayan workers were being denied freedom of association, and that their leaders were being harassed.

Only a small proportion of Paraguay's workers are organized. The government-linked Confederation of Paraguayan Workers (CPT) represents the overwhelming majority of those workers who are organized as well as those labor unions which enjoy legal recognition, but it is not independent, and makes only pro forma efforts to defend workers' interests. According to some trade unionists, most of the CPT unions are "paper" unions, created and funded by the Government to maintain control of labor. The Inter-Syndical Workers' Movement (MIT) was formed in 1985 as an independent alternative to the government-controlled CPT. MIT has only eight member unions, far fewer than the CPT.

The right to strike, while recognized under Paraguayan law, is very difficult to exercise due to the complex legal process of fact finding, arbitration, and adjudication required before a strike can be considered legal. However, at least four times in 1988 workers at Asuncion's Hospital de Clinicas, the teaching hospital of the National University Medical School, walked off the job for short periods as a form of political protest. Although the workers at the hospital did not follow the required legal steps before going on strike, the Government did not prosecute them.

Many public sector workers are forbidden to unionize. The Government awarded legal status in 1988 to one of the founding members of MIT, the Paraguayan Journalists' Association, 9 years after the union was formed. Meanwhile, the Ministry of Labor continued to deny recognition to a new MIT union which attempted to be the first to organize a savings and loan association. The Government continued to harass leaders of MIT unions, some of whom were arrested.

In recent years, there have been several complaints presented to the International Labor Organization (ILO) against Paraguay by the International Confederation of Free Trade Unions (ICFTU) and other international trade union organizations. These complaints involve dismissals and harassment of trade unionists; violent repression of peaceful trade union demonstrations; surveillance and raiding of trade union premises by police; and arrest, detention, and ill-treatment of trade union leaders.

In November the ILO Committee on Freedom of Association examined the outstanding issues involved in these complaints for which the Committee had not yet issued final conclusions. The Committee requested the Paraguayan Government to provide

the ILO with responses to those allegations the Government had not answered earlier, as well as follow-up information. It also requested the Government to amend the public service law so as to include specific legislative provisions on the right of public employees to organize, and to introduce effective machinery for the settlement of collective disputes in the public service. With regard to the ban on strikes by doctors and nurses employed in a public hospital, it requested the Government to introduce appropriate conciliation and arbitration procedures.

The Government permits labor unions to maintain contact with regional and international labor organizations. MIT is associated with the Coordinadora de Centrales Sindicales del Cono Sur, a regional trade union body, and receives program assistance from the American Institute of Free Labor Development (AIFLD), the Latin American arm of the AFL-CIO. The CPT-member union at the Paraguayan Cotton Company (CAPSA) became affiliated in 1988 with the International Union of Food and Allied Workers Association (IUF), based in Geneva.

b. The Right to Organize and Bargain Collectively

The right to bargain collectively is recognized in the labor code, but the Government does little to enforce the provision, and it is not practiced generally. Some employers agree to collective bargaining, but there are no legal sanctions or government pressures forcing them to do so. The labor laws permit a union to represent all of the employees of a company in collective bargaining even if less than half of the employees are members of the union.

Under the law, there exist no areas, such as special economic zones, exempt from the provisions of the labor code. But, in practice, the rights of labor are more strongly exercised in the capital city, Asuncion, than in other cities or the rural areas, because the vast majority of the country's unionized jobs are located there. The city of Presidente Stroessner, on the Brazilian border, has a special duty-free status, but no exemption from labor laws.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law, and is not practiced.

d. Minimum Age for Employment of Children

Minors between 15 and 18 years of age can be employed only with parental authorization and cannot be employed in dangerous or unhealthy conditions. Children between 12 and 15 years of age may only be employed in a family enterprise, an apprenticeship, or in agriculture. These labor laws are generally enforced.

e. Acceptable Conditions of Work

The Paraguayan labor code provides minimum guarantees of worker rights and benefits. Public sector, temporary, and domestic workers are not covered under this law. According to the code, maximum hours are 8 per day or 7 for night work, with 1 day of rest per week. The labor authority establishes a minimum wage depending on the type of work and the region, based on studies of the cost of living prepared by the National Economic Coordinating Committee. The minimum wage for private sector employees in Asuncion was $125 per month, nearly double

the amount set for public sector workers. However, most workers in both the public and private sectors earn wages below the minimum. The law provides for a 1-month annual bonus. Married women need their husbands' consent to enter a labor contract, although labor contracts cannot be denied to women who worked prior to marriage. Paid maternity leave of 6 weeks prior to and after birth is required. Day care centers for children under 2 years of age are mandatory for enterprises employing more than 50 women. Severance pay is specified and compensation provided in cases of unjustified dismissal.

The labor code also governs conditions of safety, hygiene, and comfort. The absence of a strong independent trade union movement, and the slowness and relative expense of the labor law system, results in the frequent failure to provide the protections established by the labor code.

PERU

Peru has a freely elected democratic government, with an executive branch headed by a president, a bicameral legislature, a separate judiciary, and an autonomous attorney general. Peru's history has been punctuated by periods of military rule, most recently between 1968 and 1980. President Alan Garcia and his center-left American Popular Revolutionary Alliance (APRA) won the last general elections in 1985 by a large margin; representation in Congress ranges from conservative to Marxist. The next national elections are scheduled for 1990.

Public security responsibilities are shared by both the police and the military. The Interior Ministry and its police services have the primary counterterrorist role in Lima and those departments not under a state of emergency. The military leads the effort to combat subversion outside Lima in the 43 provinces now under a state of emergency. These states of emergency place all executive branch authority in the local military command, suspend restrictions on arbitrary detention and the requirement for search warrants, and restrict rights to movement and assembly. A history of military coups has weakened civilian control over the military. There is little oversight of military activities in the emergency zones by civilian judges or prosecutors, and the constitutional rights of persons detained by the military are routinely ignored.

Peru has a mixed economy, and private property is generally respected. Strict price controls, higher wages, and restrictions on foreign debt repayment brought temporary growth to the Peruvian economy in 1986 and 1987. It became apparent by early 1988, however, that these policies were unsustainable. Export earnings fell, unemployment rose, central bank reserves plummeted, and the fiscal deficit fueled an inflationary spiral. Austerity measures instituted during 1988 will result in a further deepening of the recession and have already produced increased social unrest.

Since 1980 the Sendero Luminoso (Shining Path) Maoist guerrillas have been active proponents of terror to undermine democracy and the economy. Sendero is a major human rights violator and bears heavy responsibility for the rise in violence in Peru. In the face of minimal popular support for its vague revolutionary goals, it regularly assassinates development workers, teachers, police, soldiers, and ordinary citizens, principally Indian residents of the Andean highlands. Sendero violence escalated in 1988. As measured by the number of reported deaths, 1988 was the most violent year since Sendero announced its popular war in 1980. The group engaged in widespread economic sabotage and an increased level of assassinations, especially in rural areas. Sendero also operated in the major coca-producing area of Peru, the Upper Huallaga Valley, where it both defended peasant coca producers against traffickers and cooperated with traffickers to thwart law enforcement efforts. In addition, two other smaller terrorist groups are active. It is believed that at least 1,100 persons were killed in terrorist incidents in 1988.

Documented cases of human rights abuses by government security forces continued in 1988, even though it has become more difficult to carry out independent investigations of alleged summary executions and detentions by the military. Regional military commands deny access to the emergency zones where the

vast majority of alleged human rights violations by both the military and Sendero occur.

Disappearances and summary executions appear to have increased in the past 2 years. Reliable human rights organizations reported 405 complaints alleging arbitrary detentions by security forces, of which 125 were resolved. These groups fear that most of the remainder are victims of summary executions. There are credible reports of the use of torture by the military. Trials of military personnel accused of human rights violations move slowly, and no military or security personnel were convicted of human rights abuses in 1988. Congressional investigations of alleged abuses have been severely criticized as inadequate. Independent investigations of alleged military killings have been impeded by military commanders.

The year also marked the emergence of an extralegal vigilante group calling itself the Rodrigo Franco Democratic Command. The group claimed responsibility for the murder of a prominent attorney and is also responsible for threats against an independent special prosecutor investigating alleged human rights violations by the military. There are reports that extremist members of APRA or the security forces may be using the group's name to conduct operations against suspected terrorists and sympathizers.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killings remained a significant problem in 1988. Sendero Luminoso continued to assassinate policemen, soldiers, government and ruling party officials, teachers, engineers, and development workers, as well as Indian peasants. Official sources reported more than 1,100 deaths from terrorist violence in 1988. Due to the isolation of many rural areas where Sendero is most active, the number of victims almost surely is underreported. Sendero used violence in the countryside, particularly assassinations, to impose its administrative control over certain areas, punish so-called traitors, and eliminate opposition. In the cities, Sendero used attacks more for propaganda purposes, although in 1988 the assassinations of factory foremen and threats against union leaders appeared designed to increase Sendero influence in some labor unions. The pattern of Sendero killings of government and party (APRA) officials, which rose significantly in 1986 and 1987, continued in 1988.

Sendero killings included at least 62 peasants in 5 villages in Ayacucho Department in December 1987 and January 1988. Also in January, Sendero combatants, disguised as soldiers, entered a village in La Mar province, rounded up the villagers in the town square, and beheaded 24. In February five state telecommunications workers were killed in San Martin Department. In March Sendero ambushed a government vehicle in the Huanuco Department, killing 8 police and 7 civilians. In April 6 civilian authorities were executed in the square of their village in the Lima Department. In June residents of a Huanta Department village were assembled to witness the execution of 14 persons. In July a judge and the governor of the Ica Department were assassinated. The lieutenant

governor, an engineer, and another government worker were killed in Junin Department in August. In September a lieutenant governor and his wife were shot, and their two minor children were abducted and remain missing. An American citizen working in a rural development project in Huancayo Department and a Peruvian colleague were assassinated on June 14 on a rural highway.

The Minister of Defense reports that in 1988 at least 282 police and military and 923 civilians were killed by Sendero. At least 70 of the more than 600 killed in 1988 were engineers, agronomists, school teachers, and other professionals.

A second terrorist group, the Tupac Amaru Revolutionary Movement (MRTA), continues to operate primarily in Lima and its environs. Though the MRTA chiefly seeks the destruction of property through the selective bombing of banks, factories, foreign businesses, and diplomatic installations, these bombings killed 6 people in 1988. In a Lima hospital, MRTA also assassinated a woman whom it claimed was a police informer.

The Government claims to have killed 4,500 terrorists since 1980, including approximately 630 in 1988. Though the military may inflate this count, confirmed killings of terrorists may also be underreported since Sendero attempts to retrieve all its casualties, including fatalities, following clashes with the military. Local human rights groups claim that a significant but unknown number of captured terrorists and innocent civilians have been executed by the military.

There are no official statistics on the number of summary executions in 1988. Since the number of confirmed disappearances sharply rose in 1988, it appears probable that the number of summary executions, represented by those who disappeared and who do not reappear within a reasonable period of time, also significantly increased in 1988. Amnesty International (AI), in an August 1988 report, charged that the decrease in the number of summary executions acknowledged to have been committed by government forces is the result of a government and military effort to hide abuses. Most press and human rights organizations are routinely barred from entering the emergency zones where alleged abuses occur. Two notable cases of probable military killings occurred in 1988. On May 14, the day following a Sendero ambush which killed 4 soldiers and wounded 15, the military allegedly entered the Ayacucho Department village of Cayara and rounded up and killed at least 28 villagers. Cayara villagers reported being forced into their homes by the military while several village residents were murdered in the village church. Other witnesses reported that a military patrol tortured and killed a number of men returning from work in their fields. The military claimed a number of terrorists were killed in a shoot-out inside the village. An independent prosecutor began to investigate the incident, but the bodies of two presumed victims disappeared from a mass grave where they had been discovered. (It is believed that the military removed the bodies and buried them in an unknown second site.) On December 15 the mayor of Cayara and his secretary, both of whom were witnesses of the massacre, were shot to death, along with a bus driver, after a group of masked men stopped a public bus, examined the identity documents of all the passangers aboard, and singled out the mayor and his aide for death. These events, together with the disappearance of

other witnesses to the killings, has convinced most impartial observers that the military did indeed kill noncombatant villagers.

A second well-publicized case was the attempted summary execution in May of postal worker Sonia Munoz of Huancavelica Department. She stated that she was taken from her home to a military barracks, tortured, shot several times, and left for dead by soldiers who presumably believed her to be a Sendero collaborator. The perpetrators attempted to disguise their deed as a Sendero assassination by leaving a note affixed to her clothing stating that she had been killed for being an informant.

In neither the Cayara nor the Munoz cases, nor in any other 1988 incident of alleged military or police human rights violations, were the results of official investigations made public, nor were charges brought against security officials. Following the Cayara massacre, two witnesses led press and other observers to a common grave in which three bodies were found. President Garcia stated that Ayacucho's special prosecutor, Dr. Carlos Escobar, would receive full support for his investigation of the incident. Nevertheless, the prosecutor's requests for assistance from the Ayacucho military command were denied or ignored. Dr. Escobar stated publicly that the military command has hindered his investigation. Two congressional committees appointed to investigate the massacre have made inconclusive reports that have been severely criticized by responsible, informed observers. Dr. Escobar was subsequently transferred from his special assignment in Ayacucho. The Government initially announced his office was being closed for budgetary reasons, but then announced the office would be reopened with a different prosecutor. It appears Dr. Escobar's removal was the result of his public conclusion that military officers were guilty of murder and should be prosecuted.

The trial of 77 army and police officials accused of using excessive force in the 1986 deaths of 124 inmates at the Lurigancho prison remains in process. The military justice code contains no specific language for dealing with cases of killing, kidnaping, or torture--only "negligence" and "abuse of authority." A reliable public polling organization found in January 1988 that 86 percent of Peruvians in a sample survey believed that the military kills innocent people in its anti-insurgency efforts.

Allegations in 1987 that members of APRA or security forces were using paramilitary violence against suspected terrorists were lent credence by the emergence in 1988 of the "Rodrigo Franco Democratic Command." (Rodrigo Franco, an APRA party leader, was assassinated by Sendero in 1987.) The Franco Command claimed responsibility for the July assassination of attorney Manuel Febres, defense counsel for accused Sendero leader Osman Morote. Ayacucho special prosecutor Escobar received death threats in August from individuals claiming membership in the group. The press in August reported the arrest of 14 APRA youth allegedly armed with revolvers and explosives near the San Marcos University. In September hospital workers in Tingo Maria, who had criticized the lack of government support, claimed they were threatened by the Command. Also in September, the home in Huanuco Department of a reporter for the pro-Sendero paper El Diario was dynamited, allegedly by this vigilante group.

b. Disappearance

Since 1983 there have been between 2,500 and 3,200 cases of disappearances involving the security forces. The majority occurred prior to 1985. Local human rights groups estimate that there were approximately 280 unresolved disappearances in 1988. Most involved the detention of persons suspected of terrorist links in the emergency zones, but there have been notable cases in Lima as well. Several prominent cases from 1986 and 1987, all in Lima, remain unresolved. Though a larger percentage of those detained by security forces within the security zones have reappeared, human rights groups believe that most of the remainder were or will be summarily executed. The bodies of disappearance victims are rarely found. Based on the testimony of survivors, such as Sonia Munoz, it appears that most victims are taken to military bases for interrogation. Some are turned over to the police after lengthy detentions and afterwards are freed for lack of incriminating evidence. Human rights groups argue persuasively that the rest are summarily executed by the armed forces. In July 1988, the MRTA kidnaped an industrialist and retired military officer to demand ransom. The victim was released in October, but another businessman was kidnaped by alleged MRTA terrorists in December.

A September 1988 report by the Peruvian multiparty Senate Commission on Violence and Pacification stated: "There are violations of human rights, consisting of crimes against innocent populations: extrajudicial executions, torture, arbitrary detentions, and disappearances; and apparently involved in these condemnable acts are members of the armed forces and the police."

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution prohibits torture and inhuman or humiliating treatment, charges of brutality toward detainees are common. Human rights groups claim that suspected subversives held by the Government are routinely tortured at military detention centers. Lawyers and other persons familiar with the police and judicial system concur. In 1987 the Public Ministry noted that the majority of detainees held by military authorities showed signs of mistreatment or torture. In 1988 there were several reliable accounts from released detainees of torture or mistreatment both by police and military, including eyewitness accounts by two American citizens briefly detained on terrorism charges and then released.

The 1987 terrorism law requires that persons detained for terrorism be interrogated only in the presence of a public prosecutor and a defense attorney. In these cases, a court indictment must be sought within 15 days of arrest or the prisoner must be released. There are few reliable reports of violations of these standards in areas administered by the Interior Ministry's investigative police. In the emergency zones (except Lima and Callao), the military is not required to adhere to these requirements under the State of Exception. (A State of Exception is the constitutional mechanism whereby certain rights normally guaranteed a citizen may be denied.) The International Committee of the Red Cross (ICRC) again in 1988 was denied access to detainees in the military-controlled emergency zones and to police detention centers where interrogations occur prior to indictment. Many victims of

Sendero also show signs of having been tortured before death. Torture of those victims often follows a brief "trial," normally held in the presence of rural villagers. Sendero uses particularly brutal methods of execution, including slitting throats, strangulation, and burning. In addition there are credible reports that Sendero frequently beats or tortures peasants who withhold their support.

Prison conditions are extremely poor, and prisoners are likely to experience unsanitary facilities, poor nutrition and health care, and ill treatment by prison staff. In 1988 there was a well-documented case of a foreign prisoner dying of pneumonia due to the negligence of prison officials. Because of the large numbers of convicted and accused terrorists, many prisons have reportedly fallen under Sendero or MRTA control. Prison visitors report open displays of Sendero propaganda, the free exercise of Sendero political indoctrination programs, and, in at least one case in 1988, the execution of a fellow prisoner who was accused of being an informant by Sendero inmates.

d. Arbitrary Arrest, Detention, or Exile

The Constitution, the penal code, and antiterrorist legislation clearly delineate the arrest and detention process. However, these protections are suspended in those areas under a state of emergency. In areas not subject to a state of emergency, a warrant approved by a Public Ministry prosecutor is required for arrest. Persons arrested must be arraigned within 24 hours, except in cases of drug trafficking, terrorism, or espionage, for which the limit is 15 days. Detainees have the right to choose their own counsel, or the Government provides counsel at no charge. Arrested persons are entitled to have an attorney present when they make statements to the police. Under the 1987 terrorism law, police must also notify the detainees' family and human rights groups of an arrest. There is no bail or provisional liberty for persons accused of terrorism.

Arrest procedures are different in the rural emergency zones. The armed forces do not need an arrest warrant, and detainees are often denied access to an attorney during interrogation and to family members during their imprisonment. All detainees, including those in the emergency zones, have the right to seek judicial determination of the legality of their detention, but this right is routinely disregarded by military commanders in the emergency zones. Of the several thousand prisoners held by the military inside the emergency zones, human rights groups know of few who were turned over to civilian authorities for prosecution.

Since 1986, human rights groups note that an increasing number of persons detained by the military in the emergency zones reappeared after a period of incommunicado detention. This may reflect the result of government efforts to reduce long-term detentions and summary executions. Arbitrary arrests and detentions in the emergency zones in 1988 are estimated in the hundreds.

In 1988 the military began to detain persons entering the emergency zones to investigate human rights cases. In July, 4 social workers from a Catholic social agency were detained for 28 hours without charges. Also in July, five members of a parish organization were held for 48 hours without charges. The five were arrested while investigating the arrest of a

Catholic priest and a lay worker. In Lima, a Catholic priest was detained on three occasions and questioned about his labor organizing activities. Following the Cayara killings, the military arrested a number of Cayara villagers, including some who claimed to have witnessed the massacre. Several have failed to reappear, and the military authorities do not acknowledge their arrest or detention.

The Constitution prohibits, and there have been no known cases of, involuntary exile in the past 8 years. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is a separate branch of government. Supreme Court judges are nominated by the President and ratified by the Senate. All judges may serve until age 70. In the Peruvian legal system, which is based on the Napoleonic Code, once criminal charges are filed, a judge determines whether probable cause exists. The judicial process prior to trial may last several months, followed by a public trial. Defendants have the right to be present at the trial. There is no jury trial; verdicts are rendered by the judge. Sentences may be appealed, and judges may send cases back to lower courts for additional investigation. There are too few public defenders for the large caseloads. Many judges on the Superior and Supreme Courts are active in political parties, and there are occasional claims that decisions have been politically motivated.

Courts face severe backlogs, a product of inefficiency, influence peddling, and the sharp increase in terrorism cases. The Ministry of Justice reported in July 1988 that there was a backlog of nearly 45,000 criminal cases. The Government also acknowledged that a majority of prisoners have not been sentenced, but remain at some stage of the trial process. Human rights groups have documented numerous cases of persons who have been detained without bail, awaiting trial, for periods up to 4 years. There are also widespread charges of corruption and the suborning of judges, police, and witnesses at all stages of the judicial process.

Threats and intimidation of judges handling terrorism cases represent a serious problem, accounting in part for the low conviction rate of accused terrorists. Fewer than 20 percent of those arrested for security violations are convicted, a notoriously low rate that leads to police frustration with the judicial process and public tolerance of police abuses. The July 1988 acquittal of suspected terrorist and Sendero leader Osman Morote on two of the eight initial charges against him is believed to have been partially the result of death threats against the judges hearing the case (including a break-in at the prosecutor's home). Morote's acquittal was subsequently reversed on appeal, but this has done little to restore faith in the judicial system. Similarly, the August 1988 release of convicted cocaine trafficker Perciles Sanchez was cited as evidence of judicial weakness.

Well-informed lawyers were critical of the lack of cooperation between the special investigations police under the Interior Ministry who investigate leading to arrest, and the prosecutors under the Public Ministry who conduct their own investigations as a part of the trial process.

PERU

Congress created special tribunals to hear terrorism cases in 1987, and promised greater security measures to protect judges and witnesses. There were immediate problems with finding judges who were willing to serve on these courts, in providing the guarantees of safety required in the enabling legislation, and with the large backlog of cases. Overwhelmed by these problems, the special tribunals were abolished in April, but President Garcia proposed their reestablishment in July 1988. By year's end, no further action had been taken.

The Constitution mandates that civilians be tried in civilian courts. The Supreme Court decides whether military or police offenders are tried in civilian courts or in a separate military court system. The military generally asserts its jurisdiction in these cases, and the Court generally rules in its favor. The last attempt to have a civilian court try a military officer occurred in 1986, and it was thwarted when the officer fled to avoid trial. The military court hearing other charges in this same case ruled in December that there was insufficient evidence to convict any of those charged in the case. The civilian courts are making slow progress on several cases involving alleged police violations of human rights. Ongoing cases include those against police charged in the 1982 killing of prisoners in an Ayacucho hospital, the 1982 death of Francisco Nufflo, and the 1986 torture of detainees in a Cusco police station. Convictions were handed down against police accused in killings in 1983 and 1984.

Military trials are not public, and little is known about specific cases. Although the military claims that human rights offenders are severely disciplined, no member of the armed forces has ever been convicted in either military or civilian courts for human rights violations. Cases reportedly pending in military courts include charges against: a lieutenant for the 1985 murder of 69 persons in Accomarca; an officer for three 1985 Huanuco deaths; officers accused of executions in 1986 in Parco and Pomatambo; and military personnel involved in the killings in 1986 at Lurigancho prison. In the Lurigancho case, the military prosecutor asked for sentences ranging between 6 and 25 years against the 77 accused security force members (6 army officers, 20 police officers, and 51 police enlisted men). The prosecutor requested a 25-year sentence for police Colonel Roland Cabezas and 6 years for Army General Jorge Rabanal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution stipulates that the police need a judicial warrant to enter a private dwelling, and this is generally respected in practice. The requirement is suspended in the emergency zones, however, and security forces in those areas routinely conduct searches of private homes without warrants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press. With 7 television stations, over 50 radio stations, 15 daily newspapers, and many magazines in Lima alone, Peruvians have access to news and opinion of every political viewpoint, terrorist groups included. The media are highly partisan. The Government owns one of the two national television networks, a national radio network, and three newspapers; the

government party controls two newspapers and a magazine. Most major opposition parties control their own newspapers, and opposition figures also have frequent access to the government media.

Fears of government takeovers of the media in the wake of the 1987 bank nationalization, and of government manipulation of newsprint supplies and foreign exchange, did not materialize. Nevertheless, there are still occasional and credible complaints of government pressure on the media and restrictions on journalists. There are occasional violations of the constitutional guarantee of a free press, but there is no discernible trend, nor do they constitute government policy.

Journalists are effectively barred from traveling in the rural areas of the emergency zones, and those who attempt to do so are occasionally detained by the military, although they are generally released within hours. The government refusal to allow the media free access to the village of Cayara in the wake of an alleged massacre there provoked criticism and complaints. There are also frequent complaints of police confiscation of video and photographic material of events the Government does not want publicized.

On August 20, police seized several thousand copies of the pro-Sendero daily El Diario. The edition contained a purported interview with Sendero leader Abimael Guzman. Three days later, police detained Luis Arce Borja, the newspaper's editor, on charges of terrorism. Local and international press organizations protested the detention, and he was released by a judge on October 1. In November the legislature passed new legislation which prohibits "apologies for and encouragement of" terrorism, and Arce was rearrested on December 10 under this act for materials included in a pamphlet that he wrote. He remained in detention at year's end. While the new terrorism law has been applauded by some journalists as necessary, others fear it will have a chilling effect on press freedom.

Journalists are also sometimes the victims of violence and threats. One journalist was threatened, allegedly by APRA activists. A dead dog bearing a threatening message from the Rodrigo Franco Democratic Front was hung outside the home of an El Diario reporter in Ayacucho. A journalist received threats after reporting alleged links between Sendero Luminoso and narcotics traffickers in the Upper Huallaga Valley. Government security forces are widely believed to be responsible for the November killing of a magazine reporter working inside the Ayacucho emergency zone.

b. Freedom of Peaceful Assembly and Association

These rights are expressly provided for in the Constitution and are normally respected in practice in areas not under a state of emergency. Municipal authorities usually approve permits for demonstrations. Unauthorized demonstrations also occur, and, for the most part, the Government deals with them in a nonconfrontational manner. However, as opposition groups adopted more provocative tactics, the Government often denied permits or broke up marches. Police resorted more often to tear gas, buckshot, and firetruck-mounted water cannons to disperse unruly or threatening crowds. There were cases where opposition congressmen were roughed up or hit with buckshot. One student was killed in a protest in May following the Cayara massacre. Hundreds of students were arrested in

unauthorized demonstrations in Lima and Arequipa during 1988. Demonstrations by workers and labor groups were similarly restrained by police.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Roman Catholicism predominates in Peru, and the Constitution formally recognizes the Church. The Constitution also establishes the separation of church and state and ensures freedom of religion and conscience. These rights are respected in practice. Members of minority religions encounter no government interference in practicing their faith or in exempting their children from religious instruction in public schools. Missionary organizations operate freely in the country with the cooperation of government ministries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of free movement, and there are no political or legal constraints on foreign travel or emigration. Since 1985 nearly 120,000 Peruvians have emigrated to other nations. Freedom of movement is suspended in those areas under a state of emergency. Peru is a party to the 1967 United Nations Protocol on the Status of Refugees. Persons fleeing turmoil in other countries traditionally have been encouraged to return eventually to their country of origin or to emigrate to third countries, but have not been forced to do so. Involuntary repatriation occurs only in cases of persons accused of nonpolitical crimes.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Peru is a democracy governed by a freely elected president and congress. The political process is open and elections are vigorously contested by parties ranging from conservative to Marxist. Sendero Luminoso persistently seeks to deny citizens their political rights--particularly in remote mountain areas--by killing candidates and elected officials and threatening voters. Sendero leaders have publicly stated their intention to disrupt the 1990 elections. Suffrage is universal for persons over 18 years of age, except for members of the military. Balloting is secret. The July 1985 inauguration of President Garcia marked the first transfer of power between democratically elected governments in 40 years.

There are 3 women in the 60-member Senate and 10 in the 180-member Chamber of Deputies. There is one woman in the Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Americas Watch and the Washington Office on Latin America sent representatives to Peru during 1988. Outside of the emergency zones, the Government did not impede or restrict these groups' access. The Americas Watch representative was not permitted to visit the countryside outside Ayacucho, and a military commander required him to curtail a visit to Ayacucho and return to Lima. Access by the ICRC to the emergency zones and

to security detainees in Lima has also been restricted. Local human rights organizations complain that they are limited by the military in their efforts to investigate human rights abuses in the emergency zones. Most local human rights groups state that they are not harassed or threatened by the Government, but that their requests to the Government for information are usually ignored.

Several private human rights organizations constitute the independent National Coordinator for Human Rights. These include the Association for Human Rights, the Catholic Church's Episcopal Commission for Social Action, the National Human Rights Commission, and the Institute for Legal Defense. Smaller groups work in the departmental capitals and other cities. These groups are generally credible observers, but concentrate on government actions to the exclusion of terrorist abuses. Lima is also the headquarters of the Andean Commission of Jurists.

The Government complains that both local and international human rights groups distort or exaggerate human rights problems. In its 1988 report, the Peruvian multiparty Senate Commission on Violence and Pacification claimed that the propaganda effort of pro-Sendero agents in the U.S. and Europe is partly to blame for what it termed a one-sided picture.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution grants women equality with men, and laws on marriage and divorce do not discriminate against women. Nevertheless, tradition impedes the access of women to leadership roles in major social and political institutions. Women represent 26 percent of the labor force. In 1984, 61.9 percent of the female work force was employed in commerce and services, 16.6 in the industrial sector, and the 19.5 in other occupations, mainly as domestics. The average wage of male workers is double that of females.

The rural and indigenous population and Peru's small black community face situations similar to those of women. The former group traditionally has lacked access to public services. Peru is a classic case of differential development, with public investment traditionally focused on the coast, drawing migrants to the cities, especially Lima. Recognizing this fact, the Government has increased the flow of resources and services to poor, largely Indian, rural areas. Development efforts, however, have been impeded by the difficulty and cost of providing services to areas out of the mainstream of Hispanic culture, and by the continued disruption of these efforts by Sendero. As a result of current problems, as well as historic prejudice, the economic and social needs of Peruvians of European ancestry are more likely to be met than those of mixed or pure Indian heritage.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of workers to freely associate and form labor unions without previous authorization. In practice, however, there are legal restrictions on the right to organize (see below), and a registration requirement with the Ministry of Labor in order for the union to become legal and capable of performing its

functions. Suspension or dissolution of labor unions is forbidden by the Constitution, but it can be done legally through the civil court system at the request of the union itself, or by cancellation of the union's registration by the Ministry. Unions may form industry-wide federations which can, in turn, form confederations, all of which can be affiliated with international labor organizations. Peru is an active member of the International Labor Organization. Private and public sector unions of workers performing the same type of work cannot join together at any level.

The Constitution provides for the right to strike "according to law." There is no strike law, however, even though Congress has considered various implementing bills since the Constitution was promulgated in 1979. By Supreme Executive Decree (which defines some strike behavior in the absence of a formal law), workers in the private sector must give 72-hour notice to the employer and the Ministry of Labor before going on strike. When direct negotiations between workers and employers break down, the Government intervenes and constitutes a tripartite (government, management, labor) board to review the situation. If no agreement is reached, the Government then weighs the overall economic implications of the employer's and the workers' positions and makes a decision. The decision can be appealed in the civil court system. The Government will then make a final offer which, if rejected, will open the way for declaring the strike illegal. A government determination that the strike is illegal can lead to the dismissal of workers or union leaders and permits employers to hire strikebreakers legally. Despite these restrictions, strikes, often wildcat in nature, do take place. The miners' strike of late 1988 gave rise to numerous complex legal battles over its legality, none of which prevented the miners from striking. There are no norms regulating strikes in the public sector and all such strikes are therefore open to legal challenge.

b. The Right to Organize and Bargain Collectively

Government rules stipulate that, in the private sector, unions can be formed only in enterprises with 20 or more workers, and only if more than 50 percent of the workers request it. Only one union is allowed for each enterprise or place of work and by category of worker, blue- or white-collar. In the public sector, 20 percent of the workers can request a union, thus allowing up to five unions to represent the same group of workers. Among the restrictions applying to public sector unions is a 1-year term, without reelection, to the leadership. Collective bargaining is provided for under the Constitution, but there are restrictions on what can be bargained. In the public sector, for example, only working conditions can be negotiated, and then only as long as the changes do not involve expenses greater than the funds already budgeted. In the private sector, collective bargaining can cover both working conditions and pay. Labor laws and regulations are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits compulsory labor, and this is respected in practice. There have been a few reports of escapees from forced labor camps run by Sendero Luminoso in the jungle. Peasants are recruited forcibly to tend the fields and join the Sendero ranks. After a recent incident in Atalaya, Cusco Department, an official delegation from the

Labor Ministry went to investigate and reported that the enslaved Indians had gone back into the jungle.

d. Minimum Age for Employment of Children

The law prohibits the employment of children under 14 years of age. In the formal sector of the economy, it allows for the employment of older children in some jobs, for a limited period of time and working a curtailed workweek at full pay. According to a recent Peruvian Senate report, 1.1 million children 6 to 14 years of age work. Unofficial sources estimate that about half a million children work in the Lima area alone. Of the relatively few accusations of labor exploitation of children, official authorities verified 38 in 1988. A recent month-long campaign undertaken by a leading Lima newspaper has increased public awareness of abuses in the employment of children.

e. Acceptable Conditions of Work

Workers have an 8-hour day and an official 48-hour week for men, and 45 for women. Retirement age is 60 for men and 55 for women. There are government standards for health and safety by industry, but these are rarely enforced either by the employer or the Government (which has no inspectors). In negotiating new contracts, public and private sector workers can bargain for additional pay because of hazardous working conditions. Many employers wait for a demand from the workers to improve conditions. Accidents are common, and usually there is no emphasis on prevention, although once they happen, employers normally make compensation.

All workers are entitled to 30 days' paid vacation. Those in the private sector have to work a minimum of 260 days (excluding 30 days' sick leave) or forfeit their vacation. This regulation does not apply to the public sector. The minimum wage was increased recently by the Government, but it still lags behind inflation. At $50 per month (at the official exhcange rate), it is not sufficient to provide a decent standard of living for a worker and his family. However, many Peruvians are paid more than the minimum wage and many others supplement their income through multiple jobs and/or subsistance farming.

ST. KITTS AND NEVIS

St. Kitts and Nevis is a small two-island state with a parliamentary democracy modeled after that of the United Kingdom. The Constitution provides the smaller island of Nevis considerable self-government, as well as the right to secede from the federation if certain enumerated procedures are followed.

The country is governed by a prime minister, a cabinet, and a legislative assembly. The Governor General, with largely ceremonial duties, is the titular Head of State. The Constitution requires general elections at least every 5 years. Prime Minister Kennedy Simmonds and his People's Action Party came to power in a coalition government in 1980 and attained a parliamentary majority in 1984.

Security forces consist of a small police force, which includes a Special Service Unit that receives some light infantry training, and a small coast guard.

St. Kitts and Nevis has a mixed economy based on sugar cane and tourism. Most commercial enterprises are privately owned, but the sugar industry (the country's largest) and 85 percent of all arable land are owned by a state corporation. The approximate 1986 per capita income was $1,476. Steady economic growth continued in 1988.

St. Kitts and Nevis maintained its good human rights record during 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Law enforcement authorities abide by the constitutional prohibitions against the use of torture or other forms of cruel, inhuman, or degrading treatment or punishment. Family members, attorneys, and clergy are permitted to visit detainees regularly.

d. Arbitrary Arrest, Detention, or Exile

Law enforcement authorities abide by the constitutional prohibition against arbitrary arrest and detention. The law requires that persons detained be brought before a court within 48 hours. There were no reported cases of exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution requires and the Government assures that every person accused of a crime receives a fair, speedy, and

public trial. The judiciary, a part of the Eastern Caribbean legal system, is highly regarded and independent. Final appeal may be made to the Queen's Privy Council in the United Kingdom. There are no military or political courts. Legal assistance is available to indigent defendants.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Neither the Government nor the police interfere arbitrarily in the private lives of individuals. Warrants are required to search private homes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press. The Government owns the only radio and television station on St. Kitts. There is a religious television station and a privately owned radio station on Nevis. The government-owned radio and television generally do not adequately publicize rallies and conventions held by the opposition political party.

St. Kitts and Nevis does not have a daily newspaper, although each of the major political parties publishes a weekly or biweekly newspaper. The papers are free to criticize the Government and do so regularly and vigorously. International news publications are readily available.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly. Organized demonstrations, rallies, and public meetings sponsored by political parties occur regularly. Usually these take place without government interference.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for the free exercise of religion, and religious practices are not restricted. Most church members belong to Protestant denominations. All groups are free to maintain links with coreligionists in other countries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel inside and outside of the country is unrestricted.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

A vigorous multiparty political system in which political parties are free to conduct their activities, and periodic elections in which all citizens 18 years of age and older may register and vote by secret ballot, ensures the right of citizens to change their government. Political parties are free to conduct their activities.

There is one woman cabinet member, and women occupy a very small percentage of senior civil service positions.

ST. KITTS AND NEVIS

The People's Action Movement (PAM) of Prime Minister Kennedy Simmonds holds a majority of seats in the Parliament. PAM works closely with its former coalition partner, the Nevis Reformation Party of Nevis Premier Simeon Daniel. In the June 1984 national election, the 2 parties won 9 of 11 elected seats in Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international human rights organization maintains an office in St. Kitts and Nevis. The Government is firmly committed to the promotion of human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There were no reports of systematic discrimination based on race, sex, creed, language, or social status. The role of women in society is not restricted by law. However, the role of most women in the country is still circumscribed by culture and tradition.

Section 6 Worker Rights

a. The Right of Association

Labor unions are free to organize and to negotiate for better wages and benefits for union members. The major labor union, the St. Kitts Trades and Labor Union, is affiliated with the opposition St. Kitts Labour Party.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to form and belong to trade unions. The right to strike, while not specified by law, is well established and respected in practice. There are no areas where union organization or collective bargaining are discouraged or impeded.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and forced labor, which do not exist in practice.

d. Minimum Age for Employment of Children

The minimum legal working age is 14. The Labor Ministry relies heavily on school truant officers and the Community Affairs Division to monitor compliance.

e. Acceptable Conditions of Work

The workweek is 40 hours in 5 days. Workers are guaranteed a minimum vacation of 2 weeks. Minimum wages for domestic servants and retail store employees were established by law in 1984 and are in the process of being updated. The minimum hourly wage for a full-time domestic is $0.56. The minimum weekly wage for a retail cashier is $37.04; for a shop assistant, $29.63; for a seasonal, temporary worker, $14.82. While there are no specific health and safety regulations, the Factories Law provides general health and safety guidance to Labour Ministry inspectors.

ST. LUCIA

St. Lucia is a multiparty parliamentary democracy and a member of the British Commonwealth. Political conditions have been stable since the early 1980's. The current Prime Minister, John Compton, was reelected in April 1987 and elections are not due again until April 1992. The governing United Workers Party holds a small majority of seats in Parliament, although the opposition St. Lucia Labor Party is active in seeking to expand its bases of support.

The police are the only security force in St. Lucia. A small Special Service Unit (SSU) established within the police force has received some paramilitary training. A coast guard unit has also been created under police auspices. The police force has traditionally demonstrated a high degree of integrity, professionalism, and respect for human rights, although a recent inquiry raised concern about possible police corruption, especially narcotics-related corruption.

St. Lucia has experienced more than 5 years of sustained economic growth, primarily in the agricultural and tourism sectors, although high unemployment remains a source of potential instability.

St. Lucia continued to have a good human rights record in 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of killings for political motives.

b. Disappearance

There were no reports of disappearances or politically motivated abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is specifically prohibited by the Constitution, and no allegations of torture were reported.

d. Arbitrary Arrest, Detention, or Exile

The Government honors in practice the constitutional provision prohibiting arbitrary arrest or imprisonment and providing for a court hearing within 72 hours after arrest. There were no reports of arbitrary arrest or other forms of extralegal detention or forced exile in 1988.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution mandates public trials before an independent and impartial court and provides for legal counsel to indigents. The legal code presumes that accused persons are innocent until proven guilty. The right of appeal is exercised through the regional West Indies Court of Appeal, a circuit court long noted for its impartiality.

ST. LUCIA

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Authorities consistently observe constitutional prohibitions against arbitrary search, seizure, and entry. There were no reports of arbitrary intrusion by the State into the private lives of individual citizens.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions for free speech and press are respected in practice. St. Lucia's two newspapers reflect contrasting political opinions. The local television station is privately owned, while the Government owns and operates Radio St. Lucia. A religious organization operates another radio station. The Government does not usually censor the media. However, in March the Government suspended a call-in show on the government-owned radio station on the grounds that the moderator was incapable of presenting the Government's position and was in fact serving as a spokesman for the opposition. Despite vocal protests by the opposition, the program has not yet been reinstated.

b. Freedom of Peaceful Assembly and Association

There are no legal restrictions on public meetings in St. Lucia. Political opposition groups organize and conduct activities freely. The Constitution provides for freedom of association, which is enjoyed in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no religious discrimination in St. Lucia. While the majority of the population is Roman Catholic, other denominations are free to maintain places of worship, train clergy, establish religious schools, and engage in the full range of activities normally associated with religious organizations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and they are generally honored in practice. The Government revoked the passports of 16 St. Lucian citizens to prevent their travel to Libya in 1983, alleging that the group was to receive terrorist training. It continues to hold the passports of several of the original 16, thus restricting their travel outside St. Lucia.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under St. Lucia's parliamentary system of government, citizens have a genuine choice of parties, policies, and officials. Political parties participate in free elections which are held every 5 years by secret ballot. Political activity is vigorous between elections, with opposition parties playing a significant role in and out of Parliament. Currently, the

opposition St. Lucia Labor Party holds 7 of 17 parliamentary seats.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

International human rights organizations filed no reports or requests for investigations in 1988. There are no local human rights groups in St. Lucia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Government does not discriminate in the allocation of social services or in other policies. There are no legal restrictions on the role of women in St. Lucia. Women are well represented in the middle ranks of government and the professions but underrepresented at higher levels. However, more women are taking advantage of public schooling and other specialized government programs, designed in part to extend opportunities for women.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association, specifying the right to form or belong to trade unions. There are no sectors or areas, including export processing zones, where union organization and collective bargaining are legally or administratively discouraged or impeded. Unions are free to choose their own representatives and union elections are sometimes vigorously contested. In a recent election, the St. Lucia Seamen and Waterfront Workers Union rejected long-time President Peter Josie, who then organized a new union, the Technical and Allied Workers Union. All unions are free to publicize their views and determine policies aimed at representing members' interests. Union are free to affiliate with international organizations and some are affiliated to international trade union bodies. St. Lucia ratified International Labor Organization Conventions 87 and 98 pertaining to freedom of association and collective bargaining.

Strikes in the private sector are legal if government-sponsored efforts to resolve disputes fail. Strikes do occur in practice.

The Government does not normally interfere with trade union activities. Recent efforts to form a wider grouping of unions have in fact garnered some Government support. Prime Minister Compton reportedly welcomed a National Workers Union (NWU) initiative to promote national trade union unity. He met with interested organizations in July to discuss such a movement and to consider the possibility of forming an Economic Advisory Committee which would include labor representatives.

b. The Right to Organize and Bargain Collectively

Unions are legally permitted to engage in collective bargaining, and do so. Unions represent the majority of wage and salary earners and there is no significant antiunion discrimination.

ST. LUCIA

c. Prohibition of Forced or Compulsory Labor

The Women and Young Persons Act prohibits forced or compulsory labor; the law is respected in practice.

d. Minimum Age for Employment of Children

The minimum legal working age in St. Lucia is 14, as stipulated by the Women and Young Persons Act. The law is enforced.

e. Acceptable Conditions of Work

The workweek is 40 hours in 5 days, and workers are guaranteed a minimum annual vacation of 2 weeks. Although no minimum wage is established by law, a government-established wage council reviews wage rates in different sectors and makes recommendations which generally are accepted as having the force of law. Occupational health and safety regulations are well enforced.

ST. VINCENT AND THE GRENADINES

St. Vincent and the Grenadines retains the multiparty parliamentary system of government which it inherited upon independence from the United Kingdom in 1979. Democratic traditions and respect for the rights of the individual are well established. In July 1984, the New Democratic Party, led by James F. Mitchell, defeated the incumbent St. Vincent Labor Party, led by then Prime Minister Milton Cato, in peaceful, democratic elections. Constitutionally, elections must be held again by October 1989.

The Royal St. Vincent Police is the only security force in the country. A small Special Service Unit (SSU) with some paramilitary training has been established within the police force, and a coast guard serves under police command. The Vincentian police maintain traditions of professionalism which place a high value on respect for human rights.

A poor country with a very young population, St. Vincent's most serious problem is unemployment. The nation's economy, led by the vital banana industry, has largely recovered from major setbacks in recent years. A tropical storm in September 1986 followed by further bad weather in 1987 severely damaged the banana crop and sharply reduced export receipts. Although agricultural production recovered in 1988, diversification to other cash export crops has made only limited progress.

The country's human rights record remained good during 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits these abuses, and there were no reports that any occurred.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that persons detained for criminal offenses be provided legal representation and that their cases be reviewed periodically. The Government assiduously follows these provisions.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for public trials before an independent and impartial court. Criminal defendants have the right to legal counsel, are presumed innocent until proven guilty, and have the right of appeal, ultimately to the Privy Council in London.

ST. VINCENT AND THE GRENADINES

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary entry, search, and seizure. There were no reports of such abuses or of other government intrusions into the private lives of individual citizens.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press. The Government neither censors nor interferes in the operation of newspapers, two of which are published by opposition political parties and openly and freely criticize the Government's policies.

b. Freedom of Peaceful Assembly and Association

The freedom to assemble peaceably is provided for in the Constitution and respected in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is complete freedom of religion and proselytization.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are provided for by law and honored in practice.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

St. Vincent has a multiparty parliamentary system of government in which the parties are free to espouse their views, and citizens have a right in periodic elections to choose among them. Constitutionally, general elections must be held at least every 5 years. In the 1984 general election, the New Democratic Party won 9 of the 13 seats in Parliament and ousted the St. Vincent Labor Party.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although there is no local body which publicly monitors human rights violations, opposition political groups occasionally comment on human rights matters. The Government is responsive to public and private inquiries on its human rights practices.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for equal treatment under law regardless of race, sex, or religion, and these guarantees are respected in practice. Women traditionally have played a subordinate role in public affairs and in the economy but in recent years have begun participating in public education programs, health facilities, and family planning programs designed to provide more equal opportunities. The

unemployment rate for women is considerably higher than for men. This is in part a reflection of the increasing entry of women into the labor force.

Section 6 Worker Rights

a. The Right of Association

The right to form unions, organize employees, and strike is defined by law and generally respected in practice. While St. Vincent is not a member of the International Labor Organization (ILO), unions are free to affiliate and do affiliate with international labor bodies. Unions are not controlled by the Government, and personal and property rights of trade unionists are given full protection under the law. Approximately 15 percent of the work force is organized.

b. The Right to Organize and Bargain Collectively

There are no legal obstacles to organizing unions; however, it is not legally compulsory for employers to recognize legally constituted unions as exclusive bargaining agents. At least two such situations were referred to the Ministry of Labor in 1988 for resolution through official polls to be conducted by the Labor Commissioner. There are no sectors or areas, including export processing zones, where union organization and collective bargaining are legally or administratively discouraged or impeded.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is illegal and is not practiced.

d. Minimum Age for Employment of Children

The minimum working age is 15. This provision, monitored and enforced by the Labor Inspector's Office in the Ministry of Labor, is generally respected in practice.

e. Acceptable Conditions of Work

The workweek is 40 hours over 5 days, and workers are guaranteed a minimum annual vacation of 2 weeks. The Government has made little progress in converting the loose arrangements covering occupational safety and health into statutes. Minimum wages are established by law for all sectors. Many minimum wages would not provide a decent living for workers and their families, but the great majority of workers earn more than the minimum wage. The current minimum daily wage rates range from $3.85 in agriculture to $5.00 in industry.

SURINAME

After 8 years of military rule, Suriname returned to civilian government in late January 1988. The National Assembly, which was elected under terms of a new Constitution approved by referendum in December 1987, selected Hindustani agricultural engineer Ramsewak Shankar as President, and veteran Creole leader Henk Arron as Vice President. Arron serves as Chairman of the Council of Ministers (i.e., de facto Prime Minister) as well. Jaggernath Lachmon, chairman of the leading Hindustani party and a key figure in Surinamese politics for decades, became Speaker of the new National Assembly which, under the Constitution, is the supreme organ of government. Javanese leader Willie Soemita holds the post of Vice Chairman of the Council of Ministers and a seat in the Cabinet. The remainder of the Cabinet also reflects Suriname's diverse ethnic makeup and the important social role of both the business community and the trade union movement.

The military is again nominally under civilian control. Nonetheless, Desi Bouterse, the former military ruler, retains his post as Armed Forces Commander. Other senior military officers also continue to hold important positions in business and government. One officer, for example, heads the state-owned rice exporting company, a major earner of foreign exchange, while another directs the state-controlled Suriname News Agency.

The new civilian authorities do not as yet exercise full control of the military or enjoy uncontested power. Friction between civilian officials and the military strongly affects the human rights situation. While the new Constitution protects such fundamental rights as free speech and the sanctity of the person, the civilian Government has not pressed charges against military-controlled internal security institutions for human rights violations committed during the years of military rule. Elements of the civilian-controlled police force went on strike in May in an unsuccessful attempt to force the new Government's hand over this and related issues. Although civilians now have a greater role in law enforcement, and hence in the protection of human rights, military dominance in internal security matters continues. Most notably, the military retains the right to arrest civilians for civil offenses and also controls immigration at the harbors and airports. This led to controversy in early November when a returnee from the Netherlands died while in military police detention at Zanderij International Airport.

The military's continuing dominant role in internal security is strongly reinforced by the ongoing armed conflict in Eastern and Upper Suriname. The insurgent movement is led by Ronny Brunswijk, a former bodyguard of Desi Bouterse and a Bush Negro, like most of his followers. Bush Negroes make up about 10 percent of Suriname's population of 400,000. The descendants of escaped slaves, they continue to live in isolated rural areas. Surinamese authorities claim that the Bush Negro insurgency, which began in 1986, receives considerable aid from outside the country, especially in the form of weapons and mercenaries. Although a former soldier in the French Army died during combat operations in August (Suriname's eastern border is with French Guiana), the Suriname Government has not to date produced any valid evidence of French involvement in the conflict.

SURINAME

Efforts to end the insurgency through military means have, in the past, produced frequent and credible reports of gross violations of human rights. The frequency of such reports diminished markedly in 1988. This was one of the results of the de facto cease-fire which began when the new civilian authorities took power and did not end until church-mediated peace negotiations collapsed in July. Despite the negotiations, the state of emergency limiting movement and the size of gatherings in East Suriname, imposed in 1986, remains in effect. It is administered by the armed forces.

Economic conditions in Suriname remained seriously depressed in 1988. Uncertainty about Suriname's political future proved to be a serious disincentive to foreign investment. The scarcity of foreign exchange also depressed the economy, as did pervasive corruption and the disproportionate size of the government work force. In mid-1988, approximately 50,000 people worked directly or indirectly for the Government, accounting for over half of Surinamese employment. The Government's inability to reach an agreement needed to assure the continued operation of the foreign-owned bauxite companies (which have traditionally accounted for 70 to 80 percent of the country's foreign exchange earnings) continued to cast a shadow over Suriname's economic future.

Inauguration of a civilian government and the military's return to its barracks in January marked the beginning of a noticeable improvement in the human rights situation. However, the print and electronic media continued to be constrained and timid in their comments about the military. The newspapers were far more willing, however, to criticize the new civilian regime. With the notable exception of the government-controlled news agency, the state-owned electronic media ceased to be a blatant propaganda vehicle for the military and its supporters. There were far fewer credible reports of human rights violations by the military or security services in 1988. Although the state of emergency remained in effect in Eastern and Upper Suriname, brigandage increased sharply in the interior areas which remained outside government control.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

In sharp contrast to the recent past, only one confirmed report of politically motivated killing came to light in 1988. The press and a local human rights organization reported that two officers of the military-controlled Internal Security Service on or about January 8 arrested a Bush Negro suspected of having links to the insurgents. The suspect's location remained unknown until January 18, when he was discovered dead in a shallow grave some miles from the capital. In addition, a Bush Negro civilian wounded on December 31, 1987, when the armed forces indiscriminately began firing at the village of Pokigron, died in a local hospital on March 4. An army first lieutenant, a sergeant, and two other soldiers were brought to trial by the military tribunal for the murder of the man found in the shallow grave and also for involvement in the Pokigron incident. The sergeant escaped from custody in October, the two lower-ranking soldiers received a 2-year sentence, and in December the authorities declared a mistrial on technical

grounds in the case of the lieutenant, who disappeared following his temporary release.

Violent incidents, in some cases fatal, involving Bush Negroes, the security service, and the police force, took place throughout the year. Eyewitness and press reports of these incidents often alleged a political motivation. It was impossible, however, to confirm most such reports. Many of the victims of these armed confrontations may well have been involved in criminal activities or in personal disputes. A military officer was investigated for involvement in the March firebombing of the KLM office in Paramaribo and a violent attempt to interfere with the arrival of the Dutch foreign minister. Although the officer's whereabouts remain unknown, he was placed on trial in absentia for a lesser, unrelated offense.

Controversy arose in early November over the death of a returnee from the Netherlands while in military police detention at the International Airport. Assertions by the authorities that the victim took his own life have been given so little credence that the Government launched an investigation, the results of which were not known at year's end.

b. Disappearance

There were few credible reports of kidnaping or disappearance in 1988. Most of those persons alleged to have disappeared later proved to have been detained by the military police.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

No confirmed reports of systematic torture came to light in 1988. There were, however, unconfirmed reports that a former French soldier, who was killed during combat between the Surinamese army and the Jungle Commando insurgents, was beaten and kicked before his death. The soldier's remains were later cremated.

d. Arbitrary Arrest, Detention, or Exile

There were a few confirmed reports of persons detained in violation of procedural safeguards. On August 11, a Dutch citizen was arrested and held by the military police for several days under suspicion of violating currency export regulations. When he returned from the United States on December 10, noted human rights activist Stanley Rensch was arrested by military police on charges of illegal contact with enemies of the State. Rensch, who admitted he had held talks with the insurgents earlier in the year but contended they were aimed at reconciliation and were approved by the civilian authorities, was released on December 21 after considerable international attention focused on his case. The public prosecutor stated that there was insufficient evidence to prosecute him.

According to Surinamese law, a person suspected of committing a crime for which the sentence is longer than 4 years may be detained for investigation for up to 10 days before being brought before a judge to be charged. He or she may be detained longer only if a judge decides there is sufficient evidence to support the charge. There is no provision for bail during this period. As far as is known, there were

approximately 10 arbitrary arrests during the year, and all persons arrested were released after a short period.

Exile is not used as a means of political control. Persons who fled the country voluntarily during the years of military rule are free to return and resume a normal life. No special arrangements have been made, however, to facilitate the return of such persons.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Suriname's new Constitution provides for an independent judiciary and fair public trials. (Defendants before the military court, or Krijgsraad, are an exception to the latter rule.) Actual practice appears to be following the constitutional mandate. Although military court defendants are not tried publicly, news of such court proceedings is regularly published. The greatest potential threat to the right to a fair trial appears to be a dispute between the court-appointed defense attorneys for indigents and the Government. The Government is behind in its payments to them, and they accordingly have threatened to stop participating in the program.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution protects the right to privacy, frequent and credible allegations have been made concerning the monitoring of overseas telephone calls by the military police. In addition, there have also been credible indications of military police harassment of political figures opposed to the army's role in national life. However, the frequency of such complaints has diminished considerably, compared to previous years.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Suriname's new Constitution provides for freedom of the press and free speech. Although Surinamese freely criticized the new civilian Government during 1988, criticism of the military and of actions undertaken during the years of military rule remained muted both in formal and informal settings. A similar situation existed in the press. While two daily newspapers regularly attacked the current regime, criticism of the military was rare and usually indirect. Several small newspapers and journals published by religious organizations and human rights groups were less circumspect. The electronic media, once strongly under the influence of the military Government, has demonstrated its independence regularly since the civilian Government took power.

Academic freedom was legally protected but was not entirely secure. In August a university professor and activist in one of the three ruling coalition parties was attacked on the National University campus by two individuals associated in the past with the internal security forces. The professor indicated to the press that his assailants threatened him for his political activities.

b. Freedom of Peaceful Assembly and Association

The new Constitution provides for freedom of assembly and association. Political, civic, religious, artistic, social, and other special interest groups are permitted free public assembly, subject to regulations concerning public order. Groups protesting policies of the civilian Government are not harassed or persecuted by the civil authorities, but reports of harassment by the military's internal security services persisted in 1988. Permits are required and routinely granted for open-air assemblies.

c. Freedom of Religion

Freedom of worship is respected in Suriname, a multicultural and multireligious society. Foreign clergy were allowed to administer to the needs of both local and expatriate congregations, and missionaries entered the country freely to proselytize. Religious groups maintained international contacts, freely organized trips abroad, and published periodicals, some of which contained criticism of the military.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Surinamese may change their residence and workplace freely, and may travel abroad as they wish. However, travel within Suriname was restricted in 1988 due to the state of emergency in effect in Eastern Suriname. Travelers in that area were required to obtain permission from the military authorities. Such permission was often withheld arbitrarily. Vehicles and persons journeying to and from the interior were subject to search at army checkpoints.

Surinamese may emigrate without interference and may return to take up residence at any time. Although Surinamese who fled the country during the years of military dominance were free to return, the authorities indicated, ostensibly for economic reasons, that no special arrangements would be made to ease their way back into society. Approximately 10,000 Surinamese, primarily Bush Negro refugees, fled Suriname to French Guiana following the outbreak of fighting in the eastern half of the country. The Surinamese Government in September signed an agreement with the Government of France and the United Nations High Commissioner for Refugees (UNHCR) to facilitate their return. Discussions have been held on implementing the agreement, but the refugees remain unwilling to return because their safety from attacks by the National Army could not be guaranteed.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the new Constitution, power and authority rest with the Surinamese people. Provided the military adheres to its terms, Surinamese citizens will have the right to change their government. The Constitution provides for direct election of a National Assembly of 50 members for 5-year terms. It also protects the existence of political parties. In 1988 41 of the 50 seats were held by the National Front for Development and Democracy, a coalition of the three (Creole, Hindustani, and Javanese) major traditional Surinamese political parties. Seats within the National Assembly reflected the balance of power within the Front; that is, the large Creole and

Hindustani parties together held a majority of seats but the Javanese party held the swing vote.

Opposition parties regularly present opposing views in the National Assembly and, less regularly, through the mass media. Dissenting votes were cast in the National Assembly on a number of bills and on procedural questions. Elections are based on universal suffrage for adults over 18 years of age. Women play an active role in political life, but only a few women held high office in 1988.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The civilian Government made a significant effort to be responsive to international inquiries on human rights issues. In March, for example, the Government promised to implement recommendations of a U.N. Special Rapporteur for vigorous investigations of past atrocities and disappearances in the interior of the country. Domestic human rights organizations, including the officially sanctioned National Institute for Human Rights, were active and generally unhindered in their work, although the Institute was careful to avoid confrontation with the military.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination is prohibited and is rare in Suriname s multiracial society, although ethnic consciousness remains strong among all groups. Women have a legal right to equal access to education, employment, and property. However, social pressures and customs still inhibit women frcm fully exercising these rights. Most female workers are to be found in less well-paid jobs.

Section 6 Worker Rights

a. The Right of Association

Suriname's Constitution protects the right of workers to associate and to choose their representatives democratically. The atmosphere of tension which prevailed in the labor movement following the killings in December 1982 of several prominent labor leaders has largely dissipated. The labor movement appears to have made a full recovery. Grouped in four major confederations, Surinamese unions enjoy complete independence from the Government. One of the principal confederations, the Moederbond, is an affiliate of a member party in the ruling coalition. The union makes a considerable effort, however, to limit political influence in its union activities. This is borne out by the fact that Moederbond affiliates have struck more than have any other Surinamese unions since the new Government took power. No instances came to light of interference with union property or members as a result of union membership. Surinamese trade unions are permitted to maintain contacts with regional and international labor associations. Workers have the right to strike and exercised it frequently in 1988. The right of civil service employees to strike is recognized in practice.

SURINAME

b. The Right to Organize and Bargain Collectively

The rights of union organizing and of collective bargaining are provided for in the Constitution, and were respected in practice in 1988. Collective bargaining procedures covered approximately 50 percent of the work force. Negotiations over wages, working conditions, and pensions were held frequently and without hindrance from the authorities. Labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There were no known incidents of forced or compulsory labor in Suriname. It is prohibited by the Constitution.

d. Minimum Age for Employment of Children

The legal minimum age for employment of children is 15 years. The Ministry of Labor is responsible for enforcing the law. There were few complaints of violations in 1988.

e. Acceptable Conditions of Work

There is no legal minimum wage in Suriname, but wages are high by regional standards and provide workers a decent standard of living. Work in excess of 8 1/2 hours per day or 48 hours per week is prohibited without special permission from the Government, and in such cases overtime is payable at time and a half or double time. Occupational safety and health regulations were fully in effect, and workplaces were closed down for noncompliance.

TRINIDAD & TOBAGO

Trinidad and Tobago is a republic with a parliamentary form of government. Free and fair elections have been held at regular intervals since independence in 1962. Prior to December 1986, each election had been won by the People's National Movement (PNM). The election of the National Alliance for Reconstruction (NAR) Government on December 15, 1986 marked the first change of political power in 24 years of independence.

The Trinidad and Tobago police force is, in general, a capable and professional force, but there are recurring press reports of abuse of authority and corruption and court cases against individual police officers. The legal system provides measures for legal redress for the complainant in such cases.

Trinidad and Tobago's mixed economy is based primarily on petroleum production and refining, but the Government is seeking to diversify the economy into agriculture, manufacturing, and tourism. Many major industries are either wholly or partially owned by the Government. There is a strong tradition of private ownership of property, however, and the Government is endeavoring to sell several state enterprises, in whole or in part. The economy has suffered with the worldwide fall in oil prices, but Trinidad and Tobago continues to have a high standard of living.

Political and civil rights are provided for by the Constitution and are generally respected in practice. In the event of a presidentially declared public emergency, legislation may be enacted for limited periods that derogates from constitutional rights and protection unless shown "not to be reasonably justifiable" for the purpose of dealing with the emergency. There were no significant changes in Trinidad and Tobago's good human rights record in 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no reports of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids such treatment, and any evidence obtained by such means would be inadmissible in court. Torture is not practiced. There have been allegations in the press and charges in the courts that individual police officers have mistreated persons under arrest. The law permits victims of such treatment to sue for damages in civil court and to file criminal charges against the individual police officer involved. Such suits are occasionaly initiated. The courts often find in favor of the complainant, and police officers found guilty of misconduct are subject to disciplinary action. There is no evidence that police brutality is systematic or condoned by the Government.

TRINIDAD & TOBAGO

The law requires a public coroner's inquest in any case in which a person dies in police custody. There have been several instances of persons being shot by police officers, allegedly in the line of duty, which have raised questions as to whether the use of lethal force by the police was justified. Inquests were initiated, with heavy media and public scrutiny at the time. The inquests were completed in a timely fashion, but the results have not been officially released.

Prison officers have publicly complained about poor prison conditions, and have expressed concerns that prisoner uprisings could occur if improvements were not forthcoming.

d. Arbitrary Arrest, Detention, or Exile

The law specifies that a suspect must be charged "as soon as possible" after arrest. In practice, police usually charge a suspect within 48 hours. The police can, however, obtain a court order to hold a person longer in order to gather more evidence. Arrests without warrant are permitted when a person is apprehended committing an offence or when reasonable suspicion exists that an offence has been or is about to be committed.

The law does not allow preventive or incommunicado detention. Persons arrested have the right to a judicial determination of the legality of their detention. Family members may visit detainees. There continue to be recurring charges in the courts and press that the police have violated one or more of these procedures in individual cases, and the courts, which monitor police practices in these matters, often find for the complainant.

The practice of exile is illegal and does not exist. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution specifies that accused persons receive a fair and public trial by an independent judiciary, from which appeals may be made to the Court of Appeals and eventually to the Privy Council in London. Under common law practice, defendants enjoy a presumption of innocence and the right to confront witnesses and present evidence. These rights are respected in practice.

All accused persons have the right to an attorney, although not at public expense, and may be freed on bail pending trial unless they are charged with murder. The presiding magistrate may suspend bail after consultation with the prosecution and defense. Judicial officials have announced, however, that approximately 7,000 warrants for bail jumpers were issued for the period 1986-1987. The Government in 1988 proposed for public comment a new bail bill which would automatically deny bail to anyone accused of one or more of 11 specified offenses. After much media coverage which was generally critical of the bill's provisions, the Government announced that it would conduct an additional study of the draft bill. Despite continuing attention by government officials and the bar association on the large backlog of cases awaiting trial or appeal, there remain significant delays in bringing cases to trial and in processing appeals.

There are no political prisoners in Trinidad and Tobago.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Constitution prohibits such interference, a prohibition generally respected in practice. Warrants are required for searches.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, and this right is protected in practice by the country's independent judiciary, a democratic and pluralistic political system, and independent and privately owned print media. Academic freedom is protected by law and exists in fact.

Foreign exchange scarcities have reduced allocations to newspapers for the import of newsprint. One newspaper which is generally critical of the Government has charged that the Government is attempting to stifle press freedom through these newsprint import reductions.

Trinidad and Tobago Television (TTT), which operates the only television station in the country, is government owned. Its coverage is generally unbiased, although disputes have arisen over its political broadcasting policy. The Government is allotted a specific amount of broadcast time for nonpolitical, informational programming. In recent years, the Government has received a few applications for the licensing of one or more privately owned television stations. No action has been taken on these applications to date.

Of Trinidad and Tobago's two radio stations, one is government owned and the other privately owned. Both are currently operating without licenses while the Government develops a telecommunications policy under which all broadcasting media will operate. A draft telecommunications white paper has been circulated for public comment. Political opponents of the Government have argued that the presence of ruling party supporters on the executive boards of TTT and the government-owned radio station leads to political bias in broadcasting policy.

b. Freedom of Peaceful Assembly and Association

These freedoms are protected by law and respected in practice. Permits are required in advance for street marches, demonstrations, or other public meetings, and these are normally granted, both to critics and supporters of the Government. Political opposition leaders have stated that they have been the subject of surveillance at public political meetings. The Government has not responded to these charges.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The right to practice one's religion is provided for by the Constitution and is respected in practice. There is no state religion and no religious test for public office. There are large groups of Christians, Hindus, and Muslims in the population, and these and other religious groups are allowed to maintain association with organizations and persons in

other countries. Religious groups are free to establish places of worship and to engage in religious training, education, and publishing. Missionaries are permitted to enter the country and proselytize. Although parliamentary approval must be obtained for the incorporation of religious organizations, this requirement has not been a hindrance to the right of religious freedom.

A public furor arose over the proposed visit of a prominent American evangelist to Trinidad and Tobago in February 1988. Opponents of the visit, including prominent Christian and non-Christian religious leaders, objected to the visit on the grounds that the evangelist would, in their opinion, damage the nation's religious harmony. Proponents, and some critics, argued that the visit should be permitted on the grounds of freedom of religion. The Government eventually agreed to permit the evangelist's crusade to enter the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

There are no arbitrary restrictions on travel either within or outside the country, nor on the changing of residence or workplace.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The citizens of Trinidad and Tobago choose their government by secret ballot in free and fair elections held, as required by the Constitution, at intervals not to exceed 5 years. Elections for municipal and county officials are held every 3 years and elections for the 12-member Tobago House of Assembly every 4 years. The Constitution allows citizens, as well as legal residents from Commonwealth countries, who are at least 18 years of age to vote, and there are no restrictions on the participation of women in political activities. Women currently serve as members of the Cabinet, elected and appointed Members of Parliament, permanent secretaries in ministries, and members of local government councils.

The country is governed by a bicameral Parliament: an elected 36-member House of Representatives whose members represent single-member voting constituencies and a 31-member Senate whose members are appointed by the President, 16 on the advice of the governing party, 6 on the advice of the opposition, and 9 at the President's discretion. The Prime Minister, leader of the majority party in the House of Representatives, is the head of government. The President, elected by Parliament, is the head of state.

Parliamentary sessions are characterized by frank and robust debate on government policy. Opposition parties can and do vote against government bills. Opposition parties have contested every general election since party elections were begun in 1956, except in 1971 when the opposition chose not to participate. Several opposition parties combined in 1985 to form the National Alliance for Reconstruction (NAR) which, in December 15, 1986, elections, won 33 of 36 elected parliamentary seats. The People's National Movement (PNM), which now forms the opposition, had until then governed since 1956. During 1988 the NAR expelled some of its prominent leaders, who in October announced their intention to form a third major party.

TRINIDAD & TOBAGO

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Trinidad and Tobago has received no requests for international human rights investigations. An Amnesty International representative responsible for the Caribbean region regularly visits the country on routine business, and the Government cooperates with these visits. Besides the judiciary, which acts on legal cases involving alleged human rights violations, the Government also has an ombudsman empowered to investigate complaints of violations of law or policy and to report the findings to Parliament. Amnesty International maintains a local branch in Trinidad and Tobago. There is also a Bureau of Human Rights, which was established by a local attorney and focuses on areas of interest and concern to him. Trinidad and Tobago is a party to the United Nations' international covenants on human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no evidence of systematic official discrimination based on race, sex, religion, language, or social status in Trinidad and Tobago. All persons are fully protected under provisions of the Constitution. Trinidad and Tobago comprises various ethnic and religious groups that live together peacefully and respect each other's beliefs and practices. Nevertheless, relations between Afro- and Indo-Trinidadians, who each comprise approximately 40 percent of the population, are complex and at times ambivalent. There is some evidence of a certain amount of hiring discrimination against Afro-Trinidadians by some segments of the private sector which is dominated by Caucasians and Indo-Trinidadians. At the same time, there appear to be employment imbalances unfavorable to Indo-Trinidadians in some segments of government services, particularly in the police and military.

Women enjoy equality under the law. Many hold positions in the Government, civil service, political party leadership, business, and the professions, although not in proportion to their numbers in the population. Women's groups speak out publicly and are heard on all aspects of public life. Women make up approximately 34 percent of the paid labor force. There are no statistical data available concerning wage disparities between men and women.

Section 6 Worker Rights

a. The Right of Association

The right of association is respected in law and practice. Approximately 19 percent of the work force is organized into 45 labor unions. The unions are independent of government or political party control, and they effectively represent their members. The majority of the unions are grouped into two labor confederations, the larger of which is associated with the International Confederation of Free Trade Unions, while the other is associated with the Prague-based World Federation of Trade Unions.

If mediation or conciliation attempts are unsuccessful, and upon expiration of a conciliation period, workers are permitted to strike and employers are permitted to lockout workers. After a strike or lockout has gone on for 3 months,

either of the parties involved can request the Minister of Labor to refer the question to the Industrial Court, part of the independent judiciary, for a binding decision. Strikes and lockouts are not permitted in essential public services, and the Minister of Labor may apply for an injunction to halt any labor action he finds contrary to the national interest.

b. The Right to Organize and Bargain Collectively

The constitutional right of workers to organize and bargain collectively is well exercised. Union members are free to choose their own representatives, and unions are free to publicize their views and determine their own programs and policies. Antiunion discrimination is prohibited by law and trade union property, as other private property, is protected under law. The Ministry of Labor acts as an impartial conciliator in collective bargaining impasses.

The Parliament in 1988 enacted legislation to regulate the establishment of free trade zones. It is contemplated that, while wages and terms of employment in the free trade zones may be less than the national average, internationally accepted workers' rights, including the right to organize and bargain collectively, will prevail in these zones.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Trinidad and Tobago. Although there is no domestic legislation on this matter, Trinidad and Tobago is a party to the relevant International Labor Organization convention.

d. Minimum Age for Employment of Children

Legislation prohibits the employment of children under the age of 12, although Children aged 12 to 14 can work in family businesses. These restrictions are generally respected in practice.

e. Acceptable Conditions of Work

There is no nationwide minimum wage rate. Most wages are covered under collective bargaining agreements and provide a decent living for workers and their families. Minimum wages and working conditions were set by the Minister of Labor for three occupations considered difficult to organize into unions: gas station attendants, shop clerks, and domestic servants. Although this government wage order expired in 1984, these minimum wages remain generally honored. Shop clerks, for example, receive a minimum wage of $20 per week. Since this is not considered enough to live on, such workers usually have secondary sources of support, generally from their families. Working hours are determined through collective bargaining agreements or other employment agreements. They do not normally extend beyond a 40- to 48-hour workweek. Paid annual leave forms part of most employment agreements.

Occupational health and safety is governed by the 1948 Factories Ordinance Bill, which sets requirements for health and safety standards in certain industries and provides for inspections to monitor and enforce compliance. The Government does enforce compliance with health and safety regulations, although enforcement is sporadic due to a shortage of inspectors. Trade union representatives also monitor

compliance. A new occupational safety bill has been prepared and sent to the legislative review committee of Parliament, but there has been no action on the bill since 1986.

A severance and retrenchment law enacted in 1985 aims at providing improved severance benefits for laid-off workers. Controversial legislation to establish a severance benefit fund is under Cabinet consideration.

URUGUAY

Uruguay returned to its democratic tradition when 12 years of military rule ended on March 1, 1985, with free and fair elections in which President Julio Maria Sanguinetti's Colorado Party won a plurality in the bicameral legislature. The judicial branch regained its independence, but there is a continuing public debate over the need to reform the legal and judicial systems. Political parties, the press, labor unions, private interest groups, and other nongovernmental groups function freely and political debate is vigorous and unrestricted.

Uruguay's military forces are controlled by the Government. The military does not participate in domestic security matters unless ordered to do so by the civilian authorities. Domestic security and routine police matters are under the jurisdiction of the Interior Ministry, which administers all of the country's police departments.

In 1986 and 1987, after several years of stagnation, the Uruguayan economy showed significant growth, which continued at a slightly slower pace in 1988. This resulted from increased prices for beef and wool, and diversification of trade into nontraditional exports. Real incomes have recovered some of the ground lost in the previous decade.

During 1988 there were no credible reports of human rights violations. After the return to democracy in 1985, all political prisoners and even some nonpolitical ones in effect received amnesty. Public debate on the 1986 Law on Expiration, which effectively exempted military and police personnel from prosecution for alleged human rights abuses committed under orders during the military regime, continued during 1988. Local human rights groups and Amnesty International (AI) expressed concern that the law might deter investigations of disappearances and promote a sense of impunity among wrongdoers. The Supreme Court has upheld the Law of Expiration in several cases challenging its constitutionality.

Under Article 79 of the Constitution which permits the repeal of laws by referendum, a commission headed by relatives of victims of human rights abuses mounted a campaign to gather signatures to submit the Law of Expiration to a popular vote. On December 17, 1987, a petition was delivered to the Electoral Court, which was charged with authenticating the signatures to determine if 25 percent of eligible voters signed the petition. Nearly a year later, the Electoral Court completed the four-stage signature authentication process, validating over 532,000 of the original 634,702 signatures. Over 36,000 persons had their signatures placed in suspense but will be given an opportunity to validate them in person. There must be 555,701 valid signatures to convoke a plebiscite, so it appears likely the referendum on the Law of Expiration will be held in 1989.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No cases of political killings were reported.

URUGUAY

b. Disappearance

No cases of disappearance were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits brutal treatment of prisoners and no cases of torture or deliberately inhuman treatment were reported.

d. Arbitrary Arrest, Detention, or Exile

No cases of arbitrary arrest, detention, or exile were reported.

The Constitution requires a written warrant for an arrest except in cases where the accused is apprehended during the commission of a crime. The Constitution provides for the right to a judicial determination of the legality of detention and requires that the detaining authority in an arrest explain and justify to the judiciary the legal grounds for the detention. A prisoner also has the right to counsel and the right to give a statement and appear before a judge within 24 hours of detention. The judge must begin the judicial process within 48 hours of arrest. Failure to comply with this 48-hour rule has led to the release of detainees. Bond is allowed in criminal trials which could lead to a penitentiary sentence. Military justice is applicable to civilians only during a state of war or insurrection. These constitutional provisions are respected in practice.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary regained its autonomy in 1985, and military officers appointed by the military regime to the Supreme Court or the higher Appeals Court retired from their positions. The law provides for two military justices on the Supreme Court. They participate only in cases involving the military. The Constitution requires that all trials must open with a public statement of the charge by the prosecutor or the complainant. However, Uruguayan court procedures require the lawyers' arguments to be submitted to the judges in writing, and these written statements are normally not made public. There is a parallel military court system under the military justice code.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy, and the home, absolutely inviolable at night, can be entered and searched only with a legal warrant during the day. Protection for private papers and correspondence is equally strong, and a warrant is required for confiscation. These rights and protections are well respected. Investigations of wiretapping during the military regime continue, but there has been no evidence of any such activity after March 1985.

URUGUAY

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press. All elements of the political spectrum are involved in both the print and broadcast media. Formerly proscribed organizations such as the Tupamaro Movement, which conducted terrorist campaigns in the late 1960's and early 1970's, and the Communist Party freely publish newspapers and operate radio stations. There are three nonaffiliated independent television stations and one public service government station.

In 1988 a conservative journalist was sentenced to 6 months in prison in the second case in which a conviction was obtained under a 1984 criminal libel law. In the first case, a journalist for a Communist newspaper was convicted but not imprisoned in 1987. In both cases, complaints were filed by private citizens.

The National University is autonomous, and academic freedom is respected. University elections have been held twice since 1985, and student groups have resumed campus political activities. Most professors dismissed for political or ideological reasons by the military regime have returned to their positions, although a few cases remain under study.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are protected by law. Formerly banned groups, such as the Tupamaros, are free to organize and express their opinions. Public marches and demonstrations are allowed with permits from the Ministry of the Interior and occur without official harassment or intimidation. Persons denied citizenship rights by the military regime because of political affiliation or activity have had their rights fully restored.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion, provided for by the Constitution, is respected in practice. Most Uruguayans who practice a religion are Roman Catholic. Members of other religions exercise their faiths unhindered, and missionaries are free to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal and foreign travel and emigration are unrestricted. An estimated 300,000 Uruguayans left the country during the military regime, some for political and many for economic reasons. Programs exist for their repatriation, and Uruguayans who wish to return are encouraged to do so. All the prominent political figures exiled by the military regime have returned.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Uruguay is a multiparty democracy, with mandatory universal suffrage for those 18 years of age or older. Voting is not

restricted by race, sex, religion, or economic status. The Colorado party, the Blanco or National party, and a coalition called the Broad Front are the three major political entities. Each allows ideological divisions within the party, and each such division may field its own slate for general elections. The Uruguayan electoral system combines a primary and general election in a double simultaneous vote. Each party fields different lists of candidates; in essence, voters express a preference for a list rather than an individual candidate, as well as vote for a party. The winning list of the party which gets the most votes wins the presidency and a percentage of seats in the Senate and Chamber of Deputies corresponding to the percentage of votes that the party as a whole received. A party therefore may run multiple presidential candidates, each with his or her own slate of legislative candidates. National and provincial elections are held simultaneously every 5 years, with the next election scheduled for November 1989.

There are currently no female members of the Parliament, but several serve as alternates. Some women serve in cabinet positions, the Supreme Court and lower courts, and in the diplomatic service including the ambassadorial level.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The human rights performance of the Government since its return to democratic rule in 1985 has not been of major concern to internationally based human rights organizations. Local and international human rights groups have, however, expressed concern about, and opposition to, the Law of Expiration. The Government is open to inquiries from such organizations and does not restrict the activities of human rights investigators. President Sanguinetti met with an AI delegation in October 1987, to discuss these concerns.

Local human rights groups, some of which could not operate openly under military rule, now function freely and without restriction. A prominent local human rights group, Peace and Justice Service (SERPAJ), was legalized in early 1985 after operating underground for 2 years during the military regime. SERPAJ now investigates both nonpolitical human rights issues, such as prison conditions, and politically controversial cases involving killing, torture, and disappearances which occurred during the military regime.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Uruguay has long been one of the most egalitarian countries in Latin America. Statistically there are few racial or linguistic minorities in Uruguay. Nonwhites are disproportionately represented at the lower end of the economic scale, but this is not the result of legislated or official discrimination. Uruguayan women enjoy complete equality under the law. Approximately one-third of the work force are women; they pursue professional careers and attend the National University in large numbers. Some barriers to equality still exist in practice because of traditional social patterns and restricted employment opportunities. Pay is not always equal for men and women, especially in less skilled jobs.

URUGUAY

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of workers to organize freely and encourages the formation of unions. Workers have the right to choose their own representatives, publicize their views and determine their own programs and policies. Worker-chosen representatives have the right to represent their members' interests. These interests are respected in practice as well as in law. Uruguayan workers have the right to strike, and many unions did so during 1988. Unions are not controlled or restricted by the Government. The persons and property of unionists are protected to the same extent as that of any other citizen. There are no restrictions on the unions' right to affiliate with international trade union bodies.

b. The Right to Organize and Bargain Collectively

The worker's right to organize and bargain collectively is protected by law and respected in practice. About 200,000 of Uruguay's 1.5 million workers are unionized, and all unions have the right to participate in collective bargaining. A Tripartite (government, workers, employers) Council exists for negotiating wages. Unlike mediation and arbitration which are used to resolve an impasse, the Council is involved in the entire process of negotiations. While employers and labor may bargain outside the Council, the Government retains some persuasive power to obtain cooperation with the Council since no contract is legally binding until recognized by the Government. The strike remains as a legal--if not always viable--option for workers regardless of whether their contract was negotiated within the Council framework. In 1988, 70 percent of the over 300,000 workers whose salaries were negotiated under the Council were covered by signed contracts when the Council finished its work in September. The remaining workers were given a 15 percent increase retroactive to June 1, the day the negotiations began, under government-decreed contracts. The contracts negotiated under the auspices of the Council were within government-established guidelines for wage increases.

The central labor body, the Interunion Workers Assembly-National Workers Association (PIT-CNT), has filed a protest with the International Labor Organization (ILO) over the government-decreed wage increases. The ILO reportedly will investigate the complaint in early 1989.

Workers are protected by law and practice against antiunion discrimination.

Workers employed in the special export zone are fully covered by all labor legislation.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor does not exist in law or in practice.

d. Minimum Age for Employment of Children

Children are protected by a child labor code, violations of which are punishable by fines of up to $500. Children under the age of 15 generally are not employed, but children as

young as 12 may be legally employed if they have a special government work permit. Children under the age of 18 may not perform dangerous, fatiguing, or night work, apart from domestic employment. Salaries and hours for children are controlled more strictly than for adults. Children over the age of 16 may sue in court for payment of wages, and children have the legal right to dispose of their own income. Children working in the informal sector, such as street vendors or others with no fixed place of work or in the agrarian sector, are generally less strictly regulated and receive lower pay.

e. Acceptable Conditions of Work

Uruguay's minimum wage was raised in July to approximately $74 per month. According to the most recent figures available for April-June 1988, the minimum wage at that time would place a one-income household slightly below the "poverty line," placing a family dependent on a single minimum wage in the poorest 20 percent of the population. The median family income for Uruguayans during the April-June 1988 period, however, was close to double the minimum wage. Adults normally work six 8-hour days per week.

Workers are entitled to 10 days' paid vacation after a year of employment; this vacation period increases with each year of employment. Workers are protected by legislation regulating the health and safety of working conditions, though coverage of certain workers in rural areas or in the informal economy is not as thorough.

VENEZUELA

Venezuela is a republic with an active multiparty democratic system, free press, strong unions, and a longstanding commitment to democracy. For the past 30 years, power has passed peacefully between the two major political parties through open elections.

The Venezuelan law enforcement community is ill equipped to cope with contemporary problems. The system suffers from jurisdictional overlap and lack of coordination. Congress has on occasion considered consolidating all law enforcement agencies into a national police force, but has rejected reorganization for fear of putting too much power into too few hands.

Venezuela has a mixed economy, dominated by the public sector. The state-owned petroleum industry currently accounts for some 17 percent of the gross domestic product, more than any other industry. Current economic problems have resulted from declining petroleum revenues, a large foreign debt, and high government expenditures, which include debt service.

The principal human rights concerns in Venezuela are weaknesses, including allegations of corruption, in the country's archaic judicial system which often result in prolonged pretrial imprisonment and numerous allegations of abuse of detainees. Reports by Amnesty International (AI) refer to occasional incidents of police brutality resulting in injury or death.

There were no major changes in 1988 in Venezuela's good human rights record.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Authorities do not engage in or condone unlawful or arbitrary killing for political motives, and there were no reports of such killings. There have been instances of police and security forces shooting and killing criminal suspects, and of arrested persons dying while in police custody. Perpetrators of illegal killings can be charged with a crime and prosecuted in the courts, but there were no such actions in 1988. In its 1988 report, covering 1987, AI stated that there were reports of killings by police "in circumstances that strongly suggest they were extrajudicial executions."

In October security forces killed 14 civilians near the Colombian border. The security forces claim the unit involved mistook the civilians for Colombian guerrillas. There are charges that the Government is trying to cover up the incident. Several independent investigations of the event are now under way.

b. Disappearance

Police authorities do not abduct, secretly arrest, or hold people in clandestine confinement. There were no reports of such incidents.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law. Constitutional provisions for the integrity of the individual are generally enforced. However, AI reported that two military recruits died as a result of punishment inflicted after they were caught trying to leave their military training school. There was no public announcement of any investigation.

Allegations of physical abuse of detainees remain common. These infractions are usually attributed to excesses on the part of law enforcement officials or inadequate supervision of prison guards. Spartan prison conditions are exacerbated by serious overcrowding. Sanitation and health care are inadequate, as is the diet unless supplemented by donations from friends and family. Discipline within prisons is sometimes inadequate, and violence by guards against the prisoners and among the prisoners themselves is especially common in the more crowded prisons. Official personnel responsible for such violence are not known to be punished. The low educational level and limited training of many prison guards are contributing factors.

d. Arbitrary Arrest, Detention, or Exile

The right to judicial determination of the legality of detention is provided for by law. Arrested persons or persons under preventive detention legally can be held for up to 8 days without a formal detention order, during which time they may be held incommunicado. Arbitrary arrests and arrests with improper warrants are common, and the time limits for holding persons are frequently exceeded, usually because of inefficiencies in the legal system. In January the Government enacted a law which increased the power of judges to redress abuses by, among other measures, ordering the release of someone unjustly imprisoned. This law has proven particularly effective in enforcing the 8-day limit in which an arrestee must be formally charged or set free. Elements of the Catholic Church have publicized allegations of frequent and arbitrary roundups by the police in poor neighborhoods under vagrancy laws. AI claims that hundreds of people rounded up in such a manner were sent to "work colonies" in the Venezuelan jungle. The most prominent prison camp is at El Dorado in Bolivar state.

Undocumented aliens are frequently held incommunicado and then deported without legal proceedings. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Fair trial is provided for by law, and there exist a number of procedural safeguards. However, once an arrestee is formally charged, the burden of proof is on the accused to prove his or her innocence, and lengthy pretrial detention is the norm. The law provides public defenders for those unable to afford competent defense; however, the number of public defenders in the entire country (350) is insufficient to meet this obligation. According to Ministry of Justice officials, only approximately 28 percent of the 30,000 persons in prison have been convicted. The same judicial authorities attribute such a backlog to an insufficient number of qualified judges, automatic review of all lower court decisions by higher courts unable to limit their dockets, and failure to enforce

procedural deadlines at each stage of the legal process. Delays of 2 or 3 years in a normal case are not infrequent. Bail is only permitted for relatively minor crimes. Prisoners are commonly released before a final decision is reached after having served more time than they would have served if convicted. To cite a particularly egregious example, in May a prisoner was released after spending 16 years in prison for a crime of which he was never convicted. The extraordinarily slow pace of justice appears to be primarily a product of the system's complexity and the formality of criminal trial procedures. The judicial process is almost exclusively a written one, requiring costly and time-consuming production of voluminous reports by judges, attorneys, and witnesses at every stage.

Venezuelan leaders and legal experts attribute delays and irregularities to corruption and the use of personal influence. In a celebrated case, a judge is now in prison for accepting a bribe to order the release of drug traffickers on dubious technical grounds. The civilian judiciary is legally independent, but connections to the two major political parties are important in the judicial selection process. The nine members of the Judicial Council, an independent body responsible for the nomination, training, and discipline of judges, are selected by Congress, the President, and the Supreme Court. In order to decrease political influence on the judiciary, the President signed into law in October a reform intended to make it impossible for a single party to impose its nominees on the Judicial Council.

Civilians charged with armed subversion are tried by military courts. Such persons are considered insurgents by the Government. There is no statutory time limit on military adjudication of their cases, although prisoners of the military justice system have the same right to appeal to the Supreme Court as do ordinary prisoners. Military judges are appointed by the Supreme Court. In keeping with the Government's longstanding policy of integrating former guerrillas into the political system, in September President Lusinchi pardoned a top guerrilla commander, Gabriel Puerta, who immediately announced his congressional candidacy.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and law provide safeguards against arbitrary interference with privacy, family, home, or correspondence. These safeguards are honored in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Venezuela has a free and lively press which frequently criticizes the Government and denounces any instances of government interference in the media. The Inter-American Press Association (IAPA) states that "press freedom exists in Venezuela." However, several respected journalists have complained to the IAPA that they have been urged by the Government to exercise self-censorship and are occasionally pressured to avoid reporting on sensitive subjects. In some cases, journalists contend that government pressure on their employers has resulted in dismissals or lack of media access to government officials. Venezuela has 4 nationwide television networks, two of which are government owned, 3

regional television stations, 168 radio stations, and numerous newspapers and magazines, with 9 thriving dailies in Caracas alone. The Government currently subsidizes newsprint consumption through preferential exchange controls and is a source of advertising revenue for the media.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is respected. Public meetings, including those of all political parties, are held without interference. In the interest of public safety, permits are required for public marches. Even violent marches are usually met with some restraint by the police, as when students rampaged through several cities in February and November. Professional and academic associations operate without interference. Most have ties to political parties.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The population is predominately Roman Catholic, although other religious groups enjoy freedom of worship and proselytize actively. Foreign missionaries, both Catholic and Protestant, are active throughout the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens and legal residents generally have freedom to travel within the country and to go abroad and return. Travel in the Amazon military zone is an exception and requires a special permit due to security reasons. Venezuelans may emigrate if their tax obligations have been met. Citizenship can be renounced. Recovery of nationality requires a residence period of 2 years for Venezuelan-born repatriates. The Constitution provides for revocation of citizenship for naturalized citizens on specific and limited legal grounds.

Venezuela traditionally has been a haven for refugees, exiles, and displaced persons from many European and Latin American countries. Refugees are given normal residence status and may be expelled only for criminal activities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is freely elected by secret ballot. Venezuela is a multiparty democracy, with mandatory suffrage for all those 18 years of age or older, and the political process is open to all. In the 1988 elections over two dozen parties participated. Carlos Andres Perez of the Accion Democratica party won the December 4 presidential balloting with almost 55 percent of the popular vote in an election considered to be free and fair. His party received 97 of 201 seats in the House of Deputies (where representation is shared with 10 other parties) and 21 of 46 seats in the Senate (where 3 other parties are also represented. A reform measure enacted during the summer established the direct election of governors for the first time in Venezuelan history.

Views are freely expressed, and persons from the entire political spectrum contend for positions ranging from municipal council seats to the presidency. Minor parties won

18 percent of the seats in the national legislature in December's elections; some of these parties are outgrowths of former guerrilla organizations. The two major parties are the centrist Social Democrats and Social Christians. They both support the participation of minority parties in the political process, a reflection of the widespread desire to have radical elements join the political process rather than engage in armed insurrection.

Women continue to be underrepresented in the political sector, but are increasingly active in all political parties, public administration, and the judiciary. Two cabinet ministers are women, as are 13 of 200 federal deputies. A woman ran for president for the first time in the December 1988 election.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

AI, the Latin American Foundation for Human Rights and Social Development, and the Federation of Families of Disappeared Persons have offices in Caracas, and human rights organizations are able to operate free of government restriction. In December 1987, AI sent a delegation to Venezuela to discuss human rights with the Government. The delegation recommended more attention be given to safeguards for police suspects, better access to legal defense, and more effective remedies for victims of abuse. Venezuela is a vocal critic of governments that commit or tolerate widespread human rights violations and supports international human rights organizations. The Caracas-based Foundation for Human Rights in Venezuela and Latin America was established in 1988. Venezuela is a member of the United Nations Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no evidence that economic and social needs and cultural aspirations are denied on a discriminatory basis to any portion of the population.

The Constitution prohibits discrimination on the basis of sex, and accords women and children "special protection" in the workplace. Women workers receive extensive maternity leave benefits, and laws limit their involuntary overtime. Women are heavily represented in many of the professions, but significant differences still exist between men and women in wage and employment opportunities.

Restrictions on property rights based on sex, religion, or social status do not exist, but there are some restrictions on ownership of business property and employment based on nationality.

Section 6 Worker Rights

a. The Right of Association

Both Venezuela's Constitution and its 1936 labor law, as revised in 1976, recognize unions' right to exist and workers' right to strike. The legal definitions of these rights, the Government's enforcement mechanisms, and the prevailing political climate permit unions to function freely and effectively. About 25 percent of the work force belongs to

unions, and organized labor is widely considered to have substantial economic and political influence. The Confederation of Venezuelan Workers (CTV), which is by far the largest labor organization in Venezuela, frequently demonstrates its independence from the Government and political parties. During 1988 CTV leaders strongly criticized the President of Venezuela, although the majority of those leaders and the President belong to the same political party. The CTV is affiliated with the International Confederation of Free Trade Unions, and its leaders regularly travel to International Labor Organization conferences.

b. The Right to Organize and Bargain Collectively

The labor law specifically states that workers will be free from all "interferences, prohibitions, subordinations, and coercions" in the exercise of their rights to form unions and elect officials. The same legislation proclaims that it is the duty of unions to represent their members in negotiations for a collective contract, and it also protects employees who engage in union activities from reprisals by employers. Venezuelan law encourages collective bargaining, which is widely practiced. There are no enclaves, such as export processing zones, in which workers' legal rights are restricted.

Labor law is enforced by Ministry of Labor inspectors, tripartite (labor-management-government) commissions (which hear complaints regarding firings), and labor courts. Although the latter are overburdened and slow, the overall system is generally regarded as effective in protecting workers' rights.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor; unremunerated labor is prohibited by law.

d. Minimum Age for Employment of Children

Venezuelan law prohibits: employment of children under age 14; a work day of more than 6 hours for 14- and 15-year olds; and night work or employment at hazardous tasks for those under 18. This legislation is much more difficult to enforce in the informal sector than in the formal sector, and there has been some media attention to the need for stricter and more widespread enforcement.

e. Acceptable Conditions of Work

At the free market exchange rate prevailing in September 1988, the minimum salary for urban workers was about $70 monthly. This does not include mandatory fringe benefits that vary with the worker's individual circumstances. Some Venezuelan leaders have recently stated that the local currency is undervalued in the free market by 50-75 percent. According to labor leaders, 40,000 union members, representing 30 percent of the entire organized labor force, earn the minimum wage. Agricultural workers are subject to a lower minimum wage--about $53 monthly at the September 1988 free market rate. These figures reflect a considerable deterioration in real wages during the past few years, coinciding with a drop in the price of Venezuela's chief export, petroleum. Observers generally agreed that workers are suffering hardships, but no consensus has emerged on how to improve the situation.

VENEZUELA

By law, the workweek for blue-collar workers may not exceed 48 hours plus 2 hours daily overtime. White-collar workers are subject to a 44-hour workweek. Some unions, such as the petroleum workers, have negotiated a 40-hour week. The law is generally observed, with the exception of restrictions on overtime. Paid holidays and weekly rest days are also provided for by law.

A health and safety law was passed in 1986, and the process of developing standards and administering them is under way. Opinions regarding its effectiveness vary. Some businessmen regard the penal sanctions of this law for cases of negligence resulting in injury as too harsh, and some labor leaders believe that efforts to improve working conditions are proceeding too slowly.

AUSTRALIA

Australia is a long established, multiparty, parliamentary democracy operating within a federal system of government. Federal elections were held in July 1987, and will be held again before November 21, 1990.

Federal, state, and local police in Australia act in conformity with civil law, which respects and safeguards individual human rights. Civil law is observed in practice.

Australia's developed economy, with important mining and agricultural sectors, provides most Australians with a high per capita income. Furthermore, the Government provides assistance for the minority of relatively disadvantaged citizens. Individuals are free to hold private property, to pursue their economic and personal interests, to associate with others, and to organize trade unions.

Australia has been in the forefront of those countries promoting human rights both domestically and internationally. Fundamental human rights are assured by law and respected in practice.

Protection of the rights of Australia's Aboriginals (approximately 200,000, or about one-and-one-quarter percent of the nation's population) is a demonstrated concern of the Government, which recognizes that they are now and have been in the past the group most economically and socially disadvantaged. As Australia celebrated its 1988 bicentennial of European settlement, public attention to Aboriginal concerns increased. The Government continues to favor a more formal delineation (proposed in 1987) of Aboriginal rights than currently exists, and has approved tribal consultations aimed at producing a "compact" or "treaty" with the Aboriginals.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives by the Government or by Australian political organizations does not occur.

b. Disappearance

There have been no instances of political disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Australian law prohibits all these practices, and this prohibition is respected.

d. Arbitrary Arrest, Detention, or Exile

Australian law prohibits arbitrary arrest and imprisonment. This prohibition is respected.

e. Denial of Fair Public Trial

Australian law provides for the right to both a fair hearing and a fair public trial with an unimpeded right of counsel. Free counsel is provided to indigents accused of crimes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Australian law and in practice, no search may be conducted without a judicially issued warrant. Australia is a nation of liberal political traditions and common law, and the Government does not interfere with the privacy of family, home, or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

A functioning democratic political system, an effective judiciary, and a large, diverse, and independent press combine to ensure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association

Although Australia does not have a bill of rights, it is a signatory to the U.N. International Covenant on Civil and Political Rights, which provides for freedom of assembly and expression. These freedoms are respected in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Australians have complete freedom of religion. A provision in the Constitution precludes the adoption of an official state religion. Australians also maintain numerous links with coreligionists abroad.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within or outside of Australia, including the right of emigration and repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Australians participate in their government by electing a two-chamber Federal Parliament as well as numerous state and local bodies. Voting is compulsory in general elections for Australians 18 years of age and over; eligible voters who do not vote may be fined.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

It is the Government's policy to respond to any communication from the United Nations alleging violations of human rights in Australia. The Government also allows unimpeded access to all international and nongovernmental groups investigating alleged human rights violations.

AUSTRALIA

Internationally, Australia has been active in promoting human rights in the U.N. Working Group on Indigenous Populations and in other forums.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

By law, Australia's people have equal access to government services without reference to race, sex, religion, language, or social status. Basic food, shelter, health care, education, and social security benefits are guaranteed for all. The Racial Discrimination Act of 1975 prohibits discrimination on grounds of race, color, descent, or national or ethnic origin.

However, Aboriginal groups and others claim that the Aboriginals suffer widespread discrimination. The Government acknowledges that the Aboriginal population is the most disadvantaged group in such areas as education, housing, health, and employment. In addition to the broad range of programs available to all Australians, the Government provides services specifically aimed at improving Aboriginal socio-economic conditions. In 1987 the Government created a Royal Commission to investigate Aboriginal cell deaths, some 53 of which were estimated at that time to have occurred since 1980. Since the Commission's creation, the number of alleged cell deaths has grown to more than 100, and the Commission continues to take testimony.

Aboriginal land rights remain a controversial issue. The present Federal Government is committed to some form of land rights legislation, preferably implemented by the states. However, prospects for the enactment of such legislation at any level of government appear remote over the short term.

The Sex Discrimination Act of 1984 prohibits discrimination on the basis of sex, marital status, or pregnancy. Women constitute 40.17 percent of the Australian work force. Although women are beginning to enter jobs previously occupied only by men, they remain concentrated in a narrow range of occupations predominantly occupied by females and characterized by relatively low pay and status. In 1986 the Government passed affirmative action legislation obliging employers to take corrective action where there is underrepresentation of women employees.

Section 6 Worker Rights

a. The Right of Association

Australian law and practice afford workers great freedom to establish and to join trade unions, to choose their union representatives, and to formulate union programs. These rights of association include the right of Australian unions to associate with their counterparts in other nations and to participate in international labor organizations. Unions are extremely active and powerful, representing over half of the work force. Australian workers have the right to strike.

b. The Right to Organize and Bargain Collectively

Australian workers are granted the right, by law and in practice, to organize and bargain collectively and to be represented in negotiating the prevention and settlement of disputes with employers. These rights are enforced equally

throughout the country. Industrial disputes are arbitrated by a system of federal and state industrial courts, in which trade unions receive a full and fair hearing. The rights of trade union officials are fully protected in both law and practice.

c. Prohibition of Forced or Compulsory Labor

Australia has ratified and fully respects International Labor Organization (ILO) Convention 105 concerning forced labor.

d. Minimum Age for Employment of Children

Australia has ratified and fully respects the following ILO conventions concerning minimum age for employment: Convention 7 (minimum age); Convention 10 (minimum age for agricultural workers); Convention 15 (minimum age for trimmers and stokers); Convention 112 (minimum age for fishermen); and Convention 123 (minimum age for underground workers). In addition, federal and state ministries of labor monitor and enforce a complicated network of legislation (which often varies from state to state) governing such interactive factors as minimum school-leaving age, minimum age to claim unemployment benefits, and minimum age to engage in specified occupations.

e. Acceptable Conditions of Work

Australia has long had a tradition that workers should be guaranteed a decent standard of living. Australia does not have a minimum wage. Instead, differing minimum wage rates for individual trades and professions are embodied in a comprehensive system of discrete "awards" sanctioned by various state and federal commissions. The benchmark minimum wage is traditionally taken from the federal metal industry award, and is currently the equivalent of US$141 per week. Combined with other regularly provided benefits and government entitlements for low-income families, this wage provides a decent standard of living. In addition, a complex body of regulations and commission decisions prescribes the 40-hour (often 38-hour) week, paid vacations and sick leave, and health and safety standards in the workplace, as well as other benefits for the overwhelming majority of Australian workers. Compliance with these and other regulations, such as minimum age of employment, is actively monitored and enforced by federal and state ministries of labor.

BRUNEI

Brunei is a small, wealthy, Islamic monarchy located on the north coast of Borneo. Although there are substantial Chinese and other minorities, it is predominantly Malay in population. Brunei is a hereditary and traditional Sultanate that has been ruled by the same family for over 500 years. A British protectorate until January 1, 1984, it has been internally self-governing since 1959.

The Constitution promulgated in 1959 provided for the first sharing of political power by the Sultan, who since limited independence has been advised by a Council of Ministers. The Constitution, however, permits the Sultan to override the decisions of legislative and executive bodies in most instances. In elections for a legislative council in 1962, a party opposed to policies of the Sultan won a large majority; tensions over policy differences led to an armed uprising in December 1962 that was put down by British troops. The Sultan then invoked an article in the Constitution that allowed him to assume emergency powers for 2 years. This state of emergency has been renewed every 2 years and is still in force. Several persons detained under emergency powers following the 1962 uprising remain in custody without trial. Although the Constitution is not suspended, the state of emergency allows the Sultan great latitude in ruling by orders. These orders have in effect suspended certain articles of the Constitution.

Since 1962 there have been no disturbances or agitation in Brunei. Economic factors have much to do with the general sense of well-being. Brunei has only about 230,000 people, but produces about 155,000 barrels of oil per day and slightly over 5 million tons of liquefied natural gas (LNG) per year. It has one of the highest per capita gross national products in the world. Brunei has no debts, and one leading weekly economic newspaper estimated the nation's reserves at $20 billion in mid-1986. The oil and LNG revenues allow the Government to provide free medical care, schools, and university training to its citizens. A large proportion of the Malay population is employed by the Government at generous salaries which permit a higher standard of living than in surrounding countries. Government employees are eligible for low-interest or no-interest loans to purchase homes, automobiles, and appliances. The nation's second largest employer, Brunei Shell, provides similiar benefits to its employees. Brunei has no income tax. There are several substantial, low-cost housing plans designed to provide homes for the landless.

There were no major human rights developments during the year.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In July the Sultan announced that whipping would be made mandatory as punishment for certain crimes. Regulations to implement this decision went into effect September 28, and sentences of whipping have begun to be handed down. It is not known whether any sentences actually were carried out. Previously, the penal code allowed for whipping, but in practice this punishment was rarely administered. Brunei's Criminal Procedures Code provides for whipping as a punishment for a number of offenses including: rape, assault, extortion, robbery, theft, vandalism, and drug-related crimes. There was no other evidence of torture or cruel, inhuman, or degrading treatment or punishment.

d. Arbitrary Arrest, Detention, or Exile

The Constitution has no provision for habeas corpus. The right exists, however, as the Application of Laws Act states that the Law of England (1951) applies except where Brunei has passed its own law. Under normal circumstances, a magistrate must "endorse" a warrant. On rare occasions, warrants are issued without this endorsement.

The Internal Security Act (ISA) permits the Government to detain suspects without trial for renewable 2-year periods. Since the abortive rebellion in 1962, the Government has occasionally used the ISA to detain persons suspected of antigovernment activity. In February the Government dissolved the Brunei National Democratic Party and detained two of its leaders. A spokesman for the Brunei Peoples Party (BPP), banned for its role in the 1962 uprising, said at that time that 32 BPP members who left the country in 1962 and returned recently had also been detained. In July the Government released 34 ISA detainees. The only released detainee identified by name was a former BPP leader. According to the Government, six people remain in detention under the ISA. Some are believed to have been held since 1962. In its 1988 report (covering 1987), Amnesty International (AI) reported that among BPP members being detained were 5 who have been held for 25 years without having been convicted of a crime. The report said it believed BPP members were being held not for any role in the 1962 rebellion but as a general deterrent to political activity. AI noted that it had submitted information about detentions without trial to the United Nations Human Rights Commision.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The legal system in Brunei is derived from the British system. Those suspected of common crimes are detained, tried, and punished according to the law. Lacking a senior judiciary of its own, the Brunei High Court has for its Chief Justice a judge seconded from Hong Kong. There were no known instances of interference with the judiciary by the Government in 1988.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Government is empowered by law to intrude into the privacy of individual persons, families, or homes, in practice it has not been known to do so.

BRUNEI

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedoms of speech and press, though not restricted by law, are not generally exercised. There is no political opposition, and hence there have been no challenges which might have tested the degree of government tolerance toward political criticism.

Brunei's only television station is government owned (two Malaysian stations can also be received). It usually avoids controversial issues, as do newscasts on the radio stations.

The single weekly newspaper generally avoids controversial issues.

b. Freedom of Peaceful Assembly and Association

Freedom to assemble for political purposes has not been seriously tested in recent years. In 1985 the Government allowed establishment of the Brunei National Democratic Party (BNDP), the first political party since party activity was prohibited in 1967. Just before its first public meeting, the Government announced that government employees could not attend party meetings, become members of political parties, or otherwise engage in organized political debate. In February the Government dissolved the BNDP and detained two of its leaders, charging that the party's contacts with the International Democratic Union were in violation of the Societies Act.

In 1986 the Government approved the establishment of a second political party, the Brunei National United Party (BNUP); however, the organizers never announced its formation, and nothing further has been heard of it. The Government permits the formation of associations for many kinds of private economic, recreational, or other purposes without interference, but it requires their registration. There are private clubs, chambers of commerce, churches, and a variety of social and cultural organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Islam is the official state religion, but the Constitution provides for freedom of worship for other religions. There are several Christian churches in the country. There are also missionary schools in Brunei, including one attended by members of the Royal Family.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement in the country for its citizens, permanent residents, and expatriates. Some restrictions on travel abroad are placed oncertain expatriates as part of contract obligations to the Government of Brunei. Travel to Communist nations is restricted, and travel to China by Brunei's ethnic Chinese citizens and ethnic Chinese residents is tightly controlled. Brunei has not been willing to accept refugees.

BRUNEI

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There is no way in which citizens can change their government through established democratic processes. Under the continuing state of emergency, there are no representative bodies at the national or local level and, since the dissolution of the BNDP in February, no known functioning political parties. However, citizens may seek to influence government by working through appointed village headmen and district officers, who meet regularly with their constituents. They may also attempt to effect change by petitioning the Sultan directly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no government or private organizations in Brunei which deal specifically with the protection of human rights. AI reports it has on several occasions appealed to the Sultan for the release of a number of political prisoners, some held for many years without trial, but has received no reply.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women are denied equal status with men in a number of important respects. In areas such as divorce, inheritance, and custody of children, Brunei Muslims are governed by Koranic law, and women do not enjoy equal status. In the same areas non-Muslim Bruneians are subject to 1951 British civil law. While there are no separate pay scales for women and men, women employed in the Government and private sectors generally are concentrated in lower paying clerical and secretarial jobs. Some hold senior level professional positions, and the number of female university graduates is increasing. For reasons of Muslim traditions and practices, women are not as likely to find fast track positions in the civil service. While women are not legally obliged to observe strict Muslim standards of dress, many Muslim women do so. Non-Muslim women generally dress conservatively.

The majority of the substantial Chinese minority in Brunei are not citizens (those having no claims to other nationalities were "British-protected persons" prior to independence and are now either stateless permanent or temporary residents). Permanent residents cannot own land but usually resolve this problem through 7-year leases, the maximum amount of time for lease agreements in Brunei. The process of obtaining citizenship in Brunei is long and difficult. In general, the Chinese community has prospered in Brunei, and much of the country's commercial activity is in Chinese hands. While the Chinese have done well economically, many are now reevaluating their position in Brunei, especially the prospects of their children in a society where Malay citizens are favored in such areas as government employment. Some are emigrating to other nations, especially Australia and Canada.

Section 6 Worker Rights

a. The Right of Association

Trade unions are legal in Brunei, but must be registered with the Government. Signatures of seven members are required for

registration. There are four registered trade unions, with a total membership amounting to less than 5 percent of the work force. The Trade Unions Act of 1962 permits the formation of trade union federations in Brunei, but forbids affiliation of Brunei trade unions with labor organizations outside Brunei. It is illegal to discriminate against any employed person by reason of his being or not being a member of a trade union. An individual contract is required between an employer and each employee, but trade union activities "in restraint of trade" are not illegal and cannot be deemed to violate employee contracts. Local legal experts interpret this provision as conferring the right to strike, however, there have been no strikes in recent memory.

b. The Right to Organize and Bargain Collectively

There is no government interference with lawful union activity. Conditions in Brunei are not conducive to the development of trade unions, and collective bargaining is limited to only a few industries. Wage and benefit packages far exceed those of neighboring nations; there is a lack of those kinds of industries in which unions have traditionally developed; and there is a long cultural tradition of trying to achieve consensus rather than cause confrontation. Labor law and practice are uniform throughout Brunei.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited in Brunei and is not practiced.

d. Minimum Age for Employment of Children

Employment of children below the age of 16 is prohibited, and below the age of 18 requires parental consent and approval by the Labor Commission. Women under 18 may not work at night or on offshore oil platforms. Laws on employment of children are effectively enforced.

e. Acceptable Conditions of Work

Brunei has a system of minimum wages for different job categories. Labor is in short supply, and market forces allow most citizens of Brunei to command high wages. Overtime work in excess of 48 hours must be paid for, and double time must be paid for work performed on legal holidays. Working conditions are subject to inspection by the Labor Commission on a routine basis and in response to complaints. Brunei's labor regulations are effectively enforced by the Labor Department, which is empowered to close any place of employment in which health, safety, or working conditions are unsatisfactory.

BURMA

For 26 years Burma was a single-party, Socialist dictatorship. In a popular, essentially nonviolent uprising unprecedented in the nation's history, millions of Burmese demanded in August and September 1988 that the regime step down in favor of a democratic system. On September 18-19, the old leadership reasserted control by a military takeover which lethally suppressed peaceful demonstrators all over Burma and returned the nation to formal military rule.

After independence from the British in 1948, Burma embarked on a path of national development with an essentially democratic political system. Factionalism, insurgencies, and economic problems led to a military coup in 1962, headed by General Ne Win. The 1974 Constitution established the Burma Socialist Program Party (BSPP) as the sole legal political party, with the authority to "lead the state." Personnel for government and party positions were drawn largely from the military, the tool by which Ne Win ran and controlled the nation.

Following demonstrations by students and workers in June 1988 protesting police brutality, repression of political rights, and the Government's mishandling of Burma's economy, the authorities closed the campuses and police drove trucks into a group of high school student demonstrators, killing several. At this point, the demonstrations escalated into antigovernment riots. Ne Win abruptly resigned the BSPP chairmanship on July 23. The choice of U Sein Lwin, widely regarded as responsible for numerous deaths of protesters during earlier demonstrations, as his successor touched off new antigovernment demonstrations. Efforts to suppress them by lethal force provoked even larger-scale demonstrations, forcing Sein Lwin's resignation after only 17 days in office.

Sein Lwin was succeeded by Dr. Maung Maung, a moderate and respected civilian. Confronted by continuing demonstrations, Dr. Maung Maung pledged a national referendum for a multiparty system to be followed by elections if the referendum passed. Popular distrust of the Government, however, resulted in a rejection of this concession and continuing demonstrations and strikes, which brought the country to a standstill. Law and order also deteriorated as the Government withdrew all police from the cities and concurrently released large numbers of prisoners from the nation's jails. The army then swept Dr. Maung Maung aside and formally took power. Army loyalties to Ne Win remain strong and most observers see the former ruler's hand behind the military takeover and subsequent forceful repression of demonstrators. As it suppressed opposition by massive application of force, the military leadership vowed its intention to relinquish power shortly and to hold multiparty elections; however, that did not happen. A large number of parties have registered to contest the elections, including the successor of the BSPP, the National Unity Party.

Burma has fought various insurgencies since independence. Some of the ethnically based insurgents are fighting for a measure of autonomy, if no longer for outright independence, and against what they perceive to be domination by the majority ethnic group, the Burmans. But most insurgent groups are no more than narcotics syndicates with private armies. The Burma Communist Party, the only insurgent group with stated political objectives based in ideology, also receives most of its revenue from drug trafficking. Though these groups have engaged only in small-scale fighting in their own areas on Burma's borders in recent years, the Government used

their continued existence to justify in part the need for continued authoritarian rule, including the operation of an extensive security apparatus.

Over the last 26 years, Ne Win's "Road to Socialism" reduced what was once the richest country in Southeast Asia to one designated by the United Nations as a "least developed country." As Burma began to experience political upheaval in 1988, its official economy was already staggering; the regime was beginning to renege on foreign debt, had virtually no foreign exchange reserves, and was dependent primarily on foreign aid--now halted due to the political upheavals--to remain solvent. Burmese consumers relied on a thriving black market, which the regime had been forced to tolerate, for many goods the official economy was incapable of supplying in adequate quantity. Aware of popular discontent with the economy, Ne Win in August 1987 promised badly needed economic reform, but no meaningful reform was implemented.

The already poor human rights situation in Burma worsened significantly during 1988, as a result of regime efforts to quell its aroused population. Negative developments have included the killing of peaceful demonstrators, credible reports of arbitrary arrest and torture, compulsory labor, and the disappearance of political detainees.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Although Burmese law prohibits summary executions and Buddhist tenets stress the sanctity of life, 1988 saw large-scale indiscriminate killings of Burmese citizens by the regime's security forces. Official versions of these incidents were widely at variance with numerous eyewitness accounts by foreign diplomats, journalists, and other observers. The regime admitted that in March 41 student demonstrators died by suffocation after being forced by police into an overcrowded paddy wagon. Government efforts to cover up this incident failed in the face of eyewitness accounts, photographs, and public pressures. Other students were killed or wounded by police or died in jail during the March disturbances, but government secrecy makes it impossible to arrive at a reliable estimate of casualties. Some responsible observers place the March death toll in the hundreds.

Observers estimate that in Rangoon several hundred were killed by police during antigovernment riots in June, although again it is impossible to confirm these figures. In one instance, police drove three trucks into a group of peacefully demonstrating high school students, killing four or five. Enraged crowds killed seven policemen in retaliation. During the March and June riots, students and workers destroyed some Government property. During August 8-13, troops opened fire on peaceful, unarmed citizens protesting Sein Lwin's ascension to power. Numerous eyewitness accounts confirm that troops chased and killed fleeing demonstrators and fired indiscriminately at onlookers and into houses. On August 10 troops fired into a group of doctors, nurses, and others in front of Rangoon General Hospital, killing or wounding several doctors and nurses, who were pleading with troops to stop shooting. Thirty minutes later, the same troops returned and

again opened fire. In other areas of Rangoon, eyewitnesses report soldiers bayoneted female students and kicked the bodies of teenage student victims. Four separate eyewitness accounts of an August 10 incident in North Okkalapa, a working class suburb of Rangoon, describe in detail how soldiers knelt in formation and fired repeatedly at demonstrators in response to an army captain's orders. The first casualties were five or six teenage girls who carried flags and a photograph of Burma's assassinated founding father, Aung San. All four eyewitnesses reported large numbers of dead and wounded and estimated several hundred casualties on the scene. Eyewitnesses report similar incidents throughout Rangoon during the August 8-13 period. Deaths probably numbered over 2,000, but actual numbers can never be known. In many cases as soon as they finished firing, troops carted off victims for surreptitious mass disposal in order to mask the extent of the carnage.

On September 19, troops throughout Burma opened fire without warning on peaceful demonstrators protesting the military takeover. In full sight of U.S. Embassy personnel, troops fired from concealed positions at demonstrators in front of the Embassy, killing at least two, one of whom was a vendor, and wounding many others. In several instances, after shooting people, soldiers refused to let Red Cross workers come to the aid of the wounded, and in one case shot and injured a Red Cross employee who attempted to do so. Residents of Rangoon heard prolonged and repeated bursts of gunfire and volleys throughout September 19 and 20 and were afterwards told of numerous accounts of indiscriminate killings of men, women, and children by troops. From eyewitness accounts of shootings, body counts in the hospitals, and photographic evidence, U.S. and other observers estimate possibly 1,000 people were killed in Rangoon during the September 19-21 period. Though the army's show of force succeeded in imposing an uneasy quiet throughout Burma by September 22, sporadic looting, mostly by desperately poor citizens, continued as of early October. The army's response was to shoot looters on sight. From August 25 to September 18 there was a period during which troops and police withdrew from the streets of Rangoon and other major cities and all government services ceased. The population formed neighborhood watch committees and local vigilante groups to maintain law and order. The security situation was aggravated by large-scale releases of prisoners from jails across the country. In some cases, the vigilantes killed looters; in others they attacked security personnel in retaliation for the deaths of civilians. Many of the latter victims were beheaded. A rough estimate puts the total number of these deaths at about 50. While the number and the exact causes could not be determined by year's end, there is credible evidence that some of the returned students who fled Rangoon after the September 18 military takeover were subsequently arrested and died while in military custody.

For security reasons, Burmese authorities did not allow U.S. and other diplomats to travel to areas of heavy insurgent activity. Therefore, U.S. officials were not able to gather directly information about human rights practices of the Burmese Government or of the insurgents in these areas. Government-controlled media cite numerous examples of insurgent violence that resulted in the deaths of civilians. Although it cannot be confirmed, it is reasonable to believe there were violations on both sides. The brutality inflicted by the army on fellow Burmans in 1988 adds credence to reports over the years of the military's severe mistreatment of ethnic

minorities, traditionally regarded by majority Burmans as inferior.

b. Disappearance

The Government did not divulge the whereabouts of the large numbers of persons detained following the March and June disturbances. Bowing to mounting public pressure in August, the Government released most of these detainees, although not everyone arrested was accounted for. On August 24, Amnesty International (AI) reported that on the basis of official arrest and release figures over a period of several months, between 842 and 1664 people are missing. Though it is not possible to estimate how many, a number of demonstrators rounded up during the August 8-13 and September 19-21 shootings remain unaccounted for. The U.S. Embassy in Rangoon received inquiries from various individuals or organizations outside Burma about the whereabouts of Burmese and resident foreigners, mostly South Asians, who were jailed or disappeared. In virtually all cases, Burmese authorities did not reply to Embassy requests for information.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the 1974 Constitution provides that punishment shall not be in violation of human dignity, police and security forces at times use psychological coercion and torture during investigations in both criminal and political and security cases. The Government officially denies that torture or inhuman treatment is practiced. Prison conditions are poor, due in part to Burma's poverty. While several recently released, high profile, political prisoners reported that they were not ill-treated, there are numerous accounts of mistreatment of students jailed during the March and June riots, including repeated but unconfirmed accusations that several girls were raped by prison officials. After the September 18 military takeover, many people reported being verbally abused, slapped, and otherwise humiliated by troops.

d. Arbitrary Arrest, Detention, or Exile

There is no provision in Burmese law for a person in detention to seek a judicial determination of the legality of his detention. In serious cases involving national security, some persons may not be formally charged but held under an antisubversion act in indefinite detention without trial. In less serious political and security cases, detention under the act is nominally limited to 180 days, but this may be extended with Cabinet approval. In practice, the term "crimes against the State" is broadly applied. In common criminal cases, police may detain suspects for up to 24 hours, after which a court order must be sought from competent judicial authorities. These renewable court orders authorize 14-day extensions of the detention until charges are formally brought before a court. Detainees are frequently held incommunicado during the period of investigation and interrogation but normally are allowed visitors thereafter.

During the March and June riots and the August 8-13 and September 19-21 shootings, large numbers of antigovernment demonstrators were rounded up by authorities and detained, without being formally charged or brought to trial. By early October, military authorities were still searching for and detaining people involved in opposition activities. It is

difficult, if not impossible, to estimate the numbers detained during the March-June period. Authorities arrested prominent opposition leader Aung Gyi and 10 others July 20, including an Associated Press correspondent, a Burmese citizen. The Government announced they had been arrested to "protect the State" and would face criminal charges and trial for antigovernment activities. They were released August 25 during mounting public pressure for a change of government.

Refugees and other stateless persons are regarded as illegal immigrants subject to arrest. If they cannot be repatriated after serving sentences for illegal entry, they may be detained indefinitely. Several hundred illegal immigrants from a number of Asian countries previously under detention were released and expatriated when the Government inexplicably opened most of Burma's prisons during the week of August 21-27.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is not independent of the government leadership, which can influence both verdict and sentence, particularly in political and security cases. Influence, payments, and favors are often factors in lower court decisions. Tight control through party channels and the mandatory use of three-judge panels tend to restrain judicial activism. At the same time, lower court judges, being more easily swayed by local political and financial pressures, are not always accountable to the higher court. The legal code is based upon the British colonial system of law, as modified and expanded by the present Constitution and other legal measures imposed by the Government. The Constitution provides for public trials in most cases, and this practice is followed in common criminal cases. In political and security cases, special judiciary committees may be named by the government leadership. The public normally is allowed to attend such trials. The burden of proof is on the prosecution in both common criminal and political and security cases. The accused has the right to counsel in both types of cases, and legal counsel is provided for indigent defendants faced with a possible sentence of 7 years or more. Normally, defendants can consult freely and privately with their lawyers. The verdicts of civil, security, and military courts may be appealed to the next higher court up to the Council of State.

Following mass arrests of demonstrators in March, June, August, and September, individuals were detained as far as can be determined without being formally charged or brought before judicial authorities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In political and security cases, security forces are not subject to judicial procedures and usually enter homes without warrants. In areas of insurgency, forced entry and warrantless searches are carried out by government security forces and rebel groups alike. It is widely believed that security personnel selectively monitor private correspondence and telephone calls. A well-developed system of neighborhood informers reports on dissidents and criticism of the Government. Following the September 18 military takeover, the Government authorized soldiers to search private homes and vehicles, during which many individual soldiers abused

civilians and stole money and valuables. In common criminal cases, however, police officials are required to have a valid search warrant or to be accompanied by a member of the local People's Council at the time of search. Search warrants are issued by local or state judges' committees.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press in Burma is severely restricted. The Constitution contains provisions for freedom of speech, expression, and publication but stipulates that the exercise of such freedoms should not be "contrary to the interest of the working people and socialism." In practice, opposition viewpoints and public criticism of the Government are not tolerated. Anyone criticizing the Government's leadership in public or private is subject to arrest.

The Government owns and operates the mass media in Burma, including television, radio, and the six national newspapers (now one). There are some private periodicals. Newspaper editors are appointed by the Ministry of Information, and editorials must be approved in advance. Journalists are subject to strict guidelines as to what can be broadcast or published, especially on domestic matters. International news is subject to prior review and selection. Foreign shortwave radio broadcasts are not jammed. Criticism of government officials is not permitted in the press, although cartoons and editorials will sometimes criticize local administration indirectly. All forms of communications--domestic and imported books and periodicals, stage plays, motion pictures, and musical recordings--are subject to government control and censorship. The Government monitors academic inquiry in the social sciences.

For a brief period in August, the Government tolerated relative press freedom in response to public pressures for democracy. Buoyed by changed conditions, independent printers started up a flurry of "instant" street corner publications. This new press freedom ended abruptly with the September 18 military takeover, following which troops roughed up and arrested vendors and printers of the new newspapers, and authorities resumed strict control of all government media. Similarly, large numbers of people who addressed rallies and crowds of demonstrators in August and early September were picked up and detained by the authorities or went into hiding.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for the right of assembly and association, it exists only for those organizations permitted by law. Until the recent provision allowing for the registration of political parties, the Government did not permit private associations, except for innocuous social purposes and then only on a very limited basis. All organizations must be registered formally with the Government and, in effect, are subject to government control. Public meetings must be sanctioned by the Government. Although authorities allowed large-scale demonstrations to take place in late August and early September, they have once again cracked down. Following the September 18 takeover, military authorities decreed that people were not allowed to gather in groups of more than five. Large numbers of government workers were sacked for having participated in antigovernment

demonstrations. On September 30, military authorities announced a new law severely limiting the formation of associations and organizations and the definitions of both. The law stated that, in the future, prospective groups or organizations would have to apply for a permit from the Ministry of Home and Religious Affairs.

The Government in recent years promulgated two directives that limit Buddhist monks' right to assembly and association. Acting through the government-controlled hierarchy of the monkhood (Sangha), the State has prohibited monks from attending various forms of public entertainment. While this has been done, in part, ostensibly to maintain the moral purity of the Sangha, it is also aimed at curbing the political activities of monks, one of the most influential groups in Burmese society and heavily involved in the past year's antigovernment protests.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Burma is a secular state dominated by the Burman ethnic group. Freedom of religion is provided for in the Constitution and, with some exceptions, is observed in practice. The great majority of Burmese are Buddhist, although there are sizable Christian, Muslim, and animist minorities based principally in various minority ethnic groups. While minority religious groups are allowed to practice freely, security services monitor the activities of some religious communities closely. Some persons of mixed Burman and ethnic minority ancestry have been known to become Buddhists as a way of strengthening their claim to be considered ethnic Burmans.

There is considerable social prejudice against Muslims in Burma. Occasionally this erupts in violence and has led to government action which infringed on the practice of the Muslim religion. Following several instances of communal violence in several towns and cities in Burma in July, authorities in Rangoon placed restrictions on numbers and kinds of animals slaughtered for a feast marking the Muslim holiday of Id Bakri. Fearing a spread of violence to their community, Rangoon's Muslim leaders observed the restrictions. Religious groups can and do maintain links with coreligionists in other countries: for example, the Roman Catholic church maintains ties to the Vatican. Foreign religious representatives are usually allowed only tourist visas and are not permitted to preach, proselytize, or remain to carry out missionary work. So far as is known, there are no foreign missionaries resident in Burma. All religious organizations are required to register with the Government. Religious publications are subject to the same government control and censorship as other publications. On occasion, the Government has used a nationalization law to take control of the property of religious organizations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution assures Burmese citizens the right to live anywhere in the country. Except for limitations in areas of insurgent activity, Burmese citizens can travel freely within the country but must inform local authorities of their

temporary place of residence. Noncitizen residents, including persons born in Burma who hold foreigners' registration cards, must obtain prior permission to travel. Legal requirements and bureaucratic procedures cause long delays in obtaining passports, and the right to emigrate is usually, though not always, denied. Severe limits are placed on what emigrants are allowed to take with them. Before traveling abroad, emigrants normally must reimburse the Government for their university and professional education and pay income tax in advance.

Persons who retain Burmese citizenship and who left the country legally are generally allowed to return to visit relatives. Burma does not recognize dual citizenship; acquiring citizenship in another country results in the loss of Burmese citizenship. Those who take citizenship in another country are banned from returning to Burma. Emigrants wishing to return permanently are required to reapply for Burmese citizenship. Burmese who leave the country illegally cannot legally return. There are reported instances of Burmese abroad being denied permission to enter Burma to visit ill or dying parents. Burma does not permit foreign refugees or displaced persons to resettle or seek safehaven within Burma. The Government treats persons claiming to be refugees as illegal immigrants and imprisons them. A group of illegal Vietnamese imprisoned in Rangoon were released in August when the Government inexplicably opened prisons and jails throughout Burma. The Vietnamese were sent to resettlement countries, with the help of third-country embassies. Authorities have twice imposed a curfew on Rangoon (June and September) and have imposed curfews on other major towns throughout the country. In October, all of Burma was under an 8 p.m. to 4 a.m. curfew.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the Constitution, Burmese citizens do not enjoy the right to change their Government. Authorities forcefully suppressed the Burmese people's widespread and peaceful demonstrations for democracy; but in response to such demonstrations, the Government promised elections under a multiparty system at an unspecified future date. In this context, laws have been promulgated governing the registration of political parties. Opposition figures have formed and registered political parties. Representatives of legally registered parties are allowed to gather and to speak but must refrain from antigovernment remarks. The Government retains the right to disband these parties if they violate the parameters established by law for their operation.

Ethnic Burmans continue to dominate the political system. Under the 1982 Citizenship Law, ethnic Burmese, including indigenous minorities, enjoy advantages that are not available to immigrants and their immediate descendants. The law significantly limits the political, residential, and ownership rights of immigrants (primarily ethnic Chinese and Indians) whose parents or grandparents are not citizens. Full citizenship is conferred only on those whose ancestors lived in Burma prior to the First Anglo-Burman war in 1824. Women are underrepresented in the Government relative to their percentage of the general population. There are no women in the senior ranks of government service above the rank of director general.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

According to AI, the Government responded directly it for the first time in August to inform it of the release of prominent opposition leader Aung Gyi and others who had been arrested in July. Otherwise the Government does not permit investigations of its human rights practices, nor is it willing to discuss human rights problems with outside governmental or nongovernmental organizations.

In early September, opposition members established an office, calling itself Amnesty International of Burma, to monitor the human rights situation. Since the September 18 military takeover, local human rights observers have largely avoided a public role. Burma does not actively participate in international or regional human rights bodies. The Government has permitted visits by U.N. organizations such as the International Labor Organization (ILO) and the Office of the United Nations High Commissioner for Refugees (UNHCR) to discuss a few specific issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Burma's numerous ethnic minorities have their own distinct cultures and languages. Economic development among minorities has lagged, and many still live at the subsistence level. This is due in part to geographic factors which impede economic development in rugged, isolated, ethnic minority populated border areas. Burma's chronic insurgencies, many of which are based on minority grievances and on the proceeds from narcotics production and trafficking, also play a large role in lagging economic development. Minorities are underrepresented in the Government, are largely excluded from the military leadership, and suffer other forms of discrimination. Persons of nonethnic Burmese ancestry, primarily Indians and Chinese, while denied full citizenship status and excluded from government positions, continue to play an important role in the economy, a factor resented by the majority Burmans.

Women in Burma have historically played an active role in society, but this varies with cultural traditions and ethnic backgrounds. In general, Burmese women enjoy most of the same legal rights as men. They keep their own names after marriage, are active in trade, and often control family finances. As of 1987, more women were entering universities and the civil service. However, this was tempered by "quota systems" which ensured that these fields would not be dominated by women, resulting in a disproportionately large male domination of both fields.

Section 6 Worker Rights

a. The Right of Association

There are no genuine trade unions and no independent labor movement in Burma. Workers do not have the right to organize independently, to bargain collectively, or to strike. Prior to the events of July-September 1988, the labor force was organized into workers' and peasants' mass organizations controlled by the only legal political party, the BSPP. Most of the leaders of these organizations were party officials,

and their national leadership was made up of ranking party and government officials. On September 30, military authorities announced new laws strictly governing the formation of groups and organizations. Those wishing to form organizations must apply for permission to the Ministry of Home and Religious Affairs. Outlawed organizations include those that attempt to "incite, encourage, or assist in undermining or stopping the operation of state administrative machinery." Approved groups or organizations may gather and make speeches but may not speak out against the Government. Labor organizations and other professional associations are not permitted to maintain independent relations with international private bodies. Burma is a member of the ILO, although it has been consistently criticized by the ILO's Committee of Experts on the Application of Conventions and Recommendations (CACR) for failure to observe ILO Convention 87 on Freedom of Association which Burma ratified in 1955. In 1988, as in many previous years, the CACR urged the Government to bring its legislation and practice into conformity with the Convention.

b. The Right to Organize and Bargain Collectively

As noted above, workers have no right to bargain collectively. Labor disputes in both the public and private sectors are mediated by arbitration boards composed of worker, management, and government representatives. In practice, these committees are under strict control by the Government. In the past, since many public sector workers, management, and government representatives were all BSPP officials, the process had little meaning. For a short time during the August and early September demonstrations and general strike, workers began to form independent labor unions and strike committees in virtually every government ministry and economic organization. These were quickly dissolved following the military takeover. At the end of 1988, there was no reason to believe workers would be granted any greater freedom to organize or bargain collectively under the new military authorities.

No special economic zones exist in Burma.

c. Prohibition of Forced or Compulsory Labor

Burma's legal code does not contain any statutory prohibition of forced labor. The Burma Army frequently conscripts civilian males in the vicinity of military operations (primarily in areas populated by ethnic minorities) to serve as porters. Some of these porters are killed by mines planted by insurgents and in military engagements. In mid-October the Government revealed that 1,120 people had been rounded up for labor and porter service against the various insurgencies facing the Government (many sources, including eyewitness accounts, indicate that by the end of December this figure had increased significantly and the practice is still continuing). Many of those seized are reportedly being sent to active military units. Others allegedly are employed cleaning streets and rebuilding the partially destroyed Insein prison. Women have also been conscripted, some being required to work in the women's ward of Insein prison. Insurgent groups also press-gang villagers into service as recruits or porters. Following the September 18 military takeover, troops forced people to remove neighborhood barricades, sometimes making them push concrete pipes aside with their heads. There are unconfirmed reports that in some cases the people were then shot.

d. Minimum Age for Employment of Children

At present the minimum age for workers is 13. Children between 13 and 15 may work for 4 hours a day. The penalty for employees who disregard this regulation is 2 years in prison. However, the regulation is not strictly enforced.

e. Acceptable Conditions of Work

There is a 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and parastatal sector employees, with overtime paid for additional work. However, public sector employees seldom actually work more than 6 1/2 hours a day. Workers have 21 paid holidays a year, and there are numerous legal provisions to protect workers' health and safety, but these are not strictly enforced. The minimum legal wage is about $1 per day at current official exchange rates, although at the more realistic free market rate, this works out to about 25 cents a day. Wages commonly have lagged far behind inflation and are not nearly enough for subsistence, particularly in the case of large or extended families. In the private sector the minimum wage law applies only to cheroot-rolling plants and rice mills. There are rules governing health and safety conditions at workplaces, pertaining to room size, ventilation, fire hazards, and availability of latrines and drinking water. In practice, these are seldom enforced, particularly in the private sector.

CAMBODIA

The People's Republic of Kampuchea (PRK) is ruled by a puppet regime headed by Heng Samrin, which was installed by the Vietnamese Army after it drove the Khmer Rouge Communist regime out of Phnom Penh. Vietnam, through the Heng Samrin regime and its own occupation forces, controls most of Cambodia by force of arms. Widespread abuses of human rights in Cambodia stem largely from its occupation by at least eight Vietnamese army divisions and an indigenous, Communist, countrywide, civil-military control apparatus which together maintain the Heng Samrin regime in power. This control is challenged by a three-part Khmer resistance movement, the Coalition Government of Democratic Kampuchea (CGDK), which occupies Cambodia's seat at the United Nations. The resistance is waging a guerrilla war throughout much of Cambodia from areas along the Thai-Cambodian border.

Vietnam has attempted to develop Cambodian political and economic institutions following the Vietnamese model. Power is wielded by the Communist Kampuchean People's Revolutionary Party (KPRP), backed by the Vietnamese Army. Vietnam has declared that its army will leave Cambodia by 1990. However, dissatisfaction with Vietnamese control and persistent PRK weakness raise doubts that the Heng Samrin regime will be able to sustain itself in the foreseeable future without Vietnamese troops.

The CGDK was formed in 1982, when two non-Communist resistance (NCR) groups joined with the Khmer Rouge in a loose alliance. While in power from 1975-1979, the Khmer Rouge compiled one of the worst records of human rights violations in history as a result of a thorough and brutal attempt at restructuring Khmer society. The number of Khmer who died was probably at least 1 million. Despite claims to the contrary, the Khmer Rouge top leadership from 1975-79 remains in place. In a number of recent incidents, the Khmer Rouge continued to act with brutality, and there are reliable reports indicating that they retain their ultimate goal of regaining exclusive power in Cambodia. The Khmer Rouge currently has between 30,000 and 40,000 men under arms.

The Khmer People's National Liberation Front (KPNLF), which reportedly has approximately 7,000 to 10,000 armed men, is the older of the two NCR groups. It is led by former prime minister Son Sann and espouses a parliamentary form of government. It was formed in 1979 with the merger of several existing NCR groups, many led by former soldiers from the period of the pre-1975 Khmer Republic. Lack of discipline in the KPNLF ranks resulted in acts of banditry against some Thai villagers and Khmer and Vietnamese refugees in the Thai-Cambodian border areas. However, the departure from the border in early 1988 of the two most insubordinate and lawless KPNLF commanders in the field improved discipline significantly. Incidents of criminal attacks, extortion, and other crimes attributable to KPNLF personnel decreased sharply during the year.

The other NCR group and the third group in the coalition is the National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC), headed by Prince Norodom Sihanouk, who ruled as hereditary king and later head of state until 1970. The appeal of this organization derives from the Prince's international stature and his popularity within Cambodia. The civilian border camp

affiliated with Prince Sihanouk (Site B) has generally been free of the banditry and human rights abuses that have afflicted camps of the other two groups. The Sihanoukist National Army (ANS) has 11,000 to 14,000 armed soldiers.

Systematic violations of human rights continued in Cambodia. The Vietnamese army continued forced labor work projects in support of combat operations in western Cambodia, although on a smaller scale than in previous years.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Reports of political killing in the Vietnamese-controlled areas of Cambodia have declined in recent years, but Khmer resistance groups and refugees at the border continue to report instances of Vietnamese and Heng Samrin officials killing suspects during interrogations. Death in captivity due to torture or other mistreatment by Vietnam/PRK security and military elements is common, according to the testimony of former prisoners.

Accounts of killings by units of the KPNLF, which appear to have been more often associated with black market activities than with political motives, declined during 1988. There have been sporadic unconfirmed reports of executions by both KPNLF and ANS elements composed of persons suspected of being Heng Samrin agents.

Civilians continued to be killed during attacks by the Khmer Rouge on lines of communication and other economic targets. Khmer Rouge radio frequently claimed credit for attacks on urban areas by agents who lob grenades at the "enemy" in movie theaters, markets, and other gatherings. It appears that an important aspect of Khmer Rouge strategy is to destroy through terror tactics any faith the people may have in the ability of the regime to protect them.

NCR operations have not to date involved targets likely to cause civilian casualties, and the NCR groups claim that avoidance of civilian casualties is a high priority in their planning. There is no credible evidence that chemical or biological agents have been used in the conflict, despite vociferous accusations from both sides, and none of the parties to the conflict has yet targeted or attempted to blockade civilian food supplies or other necessities.

The emphasis by the Khmer Rouge on the establishment of control over rural Cambodian villages (their "liberation") exposed increasing numbers of Cambodian civilians in 1988 to Khmer Rouge tactics which range from bribery through armed intimidation to the summary execution of village leaders and other representatives of the Phnom Penh regime. As in previous years, there are many reports to indicate that disobedience of the authorities in Khmer Rouge encampments often draws severe punishment, sometimes including execution. This is most often the case in the smaller, less accessible Khmer Rouge camps, but there were instances reported during 1988 in the large, relatively open Khmer Rouge camp of Site 8 as well. In one case, the circumstances strongly suggest that

a Khmer Rouge soldier who had resisted returning to the front after visiting his wife in camp was summarily executed.

Khmer Rouge defectors report that civilians and prisoners from Khmer Rouge jails have been killed by mines while performing forced labor, such as transporting supplies for guerrilla forces in Cambodia. Prisoners allege that some of these deaths are deliberate, with those accused of serious offenses sent to work in areas where the Khmer Rouge have planted landmines. One former prisoner of the Khmer Rouge said this punishment was called "being sent to cut a tree"--with the tree having mines planted around the base. Such deaths are described by Khmer Rouge authorities to outsiders as accidental. Attempts to flee Khmer Rouge-operated camps for those run by the NCR can also be dangerous, with the risk of being shot by Khmer Rouge guards.

b. Disappearance

There have been unconfirmed reports that Heng Samrin security officials are responsible for the disappearance of persons suspected of being opponents of the regime.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Little new information on conditions in Cambodia emerged during the year. In past years, physical torture by the SRV/PRK authorities has been reported both from rural areas and from Phnom Penh prisons. There is a legal prohibition against torture, but there are no known cases of anyone being prosecuted under this law. According to reports gathered by Amnesty International (AI) in 1986, people suspected of being involved with the resistance run the highest risk of torture. This category is often defined by the authorities to include people alleged to have expressed opinions critical of the Heng Samrin regime's policies or the role of the Vietnamese, as well as those thought to be trying to leave or return from areas under the control of the resistance. Torture has been reported to take place throughout the country at facilities under the control of both the Ministry of Interior (and its subordinate civil police forces) and the armed forces, including jails run by the Ministry of Defense in Phnom Penh. Vietnamese "experts" are reported to have participated in or been present during torture at these centers, especially those at the provincial level and above. Such "experts" are also reported to have tortured political suspects in centers run exclusively by the Vietnamese military. These include jails run by the propaganda and education brigades in the provinces and by the head offices of their corps of "experts" in Phnom Penh.

According to AI, a variety of tortures are reported to have been inflicted on political suspects detained for interrogation. The most commonly cited are lengthy and repeated beatings and whippings. Detainees are said to have been punched and kicked on the body, head, and extremities; struck with pistol and rifle butts, truncheons, wooden staves with sharpened edges, and bamboo or iron bars; and whipped with electrical or steel cables, chains, rubber hoses, or wet gunny sacks. The victim may be tied during these assaults or blindfolded and hung upside down from the ceiling by ropes. There are credible reports that many other forms of torture are also used, including being buried alive, being burned with

powdered limestone or heated instruments, and the insertion of nails through the thigh muscles to the bone.

Both AI and the Lawyers Committee for Human Rights note that detainees undergoing interrogation in centers higher than the district level are generally held incommunicado in small and completely lightless solitary confinement cells that are poorly ventilated and unsanitary. They are constantly immobilized by shackles on both legs; sometimes they also are handcuffed. They are allowed no bedding or mosquito netting. Detainees whose ill-treatment during interrogation is being intensified are also deprived of food and water to undermine progressively their physical strength and resistance to illness. They may not bathe or go outside their cells to relieve themselves and are permitted no medication or medical attention.

The aim of this cruel treatment is usually to compel detainees to confess to crimes and to inform on other suspects or on people considered opponents by the authorities. Although it is rarely reported that a suspect has been killed during the actual interrogation, there are frequent reports of detainees dying during the indefinite period of detention without charge or trial that usually follows interrogation. Such deaths reportedly occur even though the torture is over and conditions have improved. The causes appear to be a combination of internal injuries sustained during torture, unattended diseases contracted during or after torture, and inadequate diet. Suicides have also been reported, as well as cases of detainees having become insane after torture and ill-treatment.

According to a prisoner who escaped the Battambang Provincial prison in 1987, new prisoners are immediately sent to the interrogation office. Interrogation lasts as long as necessary to obtain a confession and, according to this source, techniques include kicking and beating the prisoner with a stick, suffocating him by putting a plastic bag over his head, and the use of electric shock. He reported that prisoners occasionally died as a result of the torture. After interrogation, a prisoner is normally transferred to a maximum security cell, usually for at least a year, until he is considered sufficiently reliable to be transferred to quarters with less stringent controls. Under maximum security, prisoners are stripped down nightly to their undershorts and their hands and legs shackled. Once prisoners are transferred to new quarters, they are assigned manual tasks either within the prison compound or in public areas near the prison.

Another prisoner who escaped from prison in July 1988 confirmed the same pattern of treatment. He was arrested by Heng Samrin authorities in Sisophon in 1986 on suspicion of involvement in resistance activities and transferred to the Battambang Provincial prison for interrogation. He reported that torture was a routine technique of interrogation. His interrogation consisted of hitting, kicking, and the use of electric shock to elicit a confession. He was later transferred to the political section of the T-3 prison in Phnom Penh, and subsequently to a provincial prison in Svey Rieng Province near the Vietnamese border, from which he was able to bribe his way out.

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d. Arbitrary Arrest, Detention, or Exile

The Heng Samrin authorities often detain, interrogate, and jail resistance sympathizers for extended periods of time without formal charges. Indeed, this seems to be the rule rather than the exception. AI stated in 1987 that "analysis of all the available information indicates that prisons in the PRK have held several thousand political prisoners during recent years." This estimate does not include so-called "misled people restricted by the PRK for reeducation." Of the more than 400 political prisoners on which AI had compiled information by early 1987, almost half had been confined for at least 7 years. In April 1988, AI issued a report noting the public announcement of an additional 126 political arrests by PRK authorities during the latter part of 1987, and the lack of any subsequent information on the fate of those arrested. An American citizen who was detained in 1987 after illegally entering Cambodia from Thailand was held for over a year without any indication of formal charges. It was more than 6 months following his arrest before the regime even admitted it was holding him.

Separate sections within the Heng Samrin police are responsible for the investigation of activities by the non-Communist (KPNLF and ANS) and Communist Khmer Rouge resistance groups. The Ministry of Interior maintains at least three prisons in Cambodia in which suspected supporters of the resistance are held without formal charges. Provincial police and joint Vietnamese/Heng Samrin military internal security units maintain additional detention and interrogation centers. Regulations of the Heng Samrin regime call for the arrest and "reeducation" of "any person carrying out propaganda campaigns to sabotage internal unity and Kampuchea-Laos-Vietnam solidarity." Such "reeducation" means indefinite detention to force a change in political values.

Combined with brutal treatment of suspected resistance collaborators, the Heng Samrin regime also operates an amnesty program for those resistance soldiers who voluntarily surrender with their weapons to the regime. According to an official of the program who defected in 1986, returnees are debriefed and returned to their home villages. Informers in the village then determine over a period of time whether the returnee is an authentic defector or still works for the resistance, in which case he would be rearrested. According to PRK Prime Minister Hun Sen, returnees are allowed to return to their home villages "after a short period of reeducation." Khmer at the border describe the standard period of returnee reeducation as 3 months, which is sometimes carried out in the returnee's home village. Considerable publicity is given to this program by the regime, which claims that large numbers of "misled" persons are continuously surrendering to PRK authorities, at least half of them with weapons.

There is a virtual absence of legal process under the Heng Samrin regime for those detained. Detainees are almost never informed of the charges against them, nor are they given access to lawyers or informed of any rights or legal protections. There is no requirement that officials notify anyone of a prisoner's arrest, if they deem it is not in the interest of the investigation. According to AI, the same PRK authorities are responsible for arrests, interrogation, decisions on a subject's guilt or innocence, and prison administration.

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Since 1981 the International Committee of the Red Cross (ICRC) has sought permission from the Phnom Penh authorities without success to visit prisoners captured in combat. It has also had no success in persuading Thai authorities to allow it access to Vietnamese prisoners held in Thai prisons, nor in persuading the PRK authorities to allow it access to Thai prisoners reportedly held in Cambodian prisons. Nevertheless, the ICRC has pursued a program to disseminate information about the proper treatment of prisoners of war and the role the ICRC traditionally plays during conflicts.

Neither of the NCR factions is known to hold prisoners of war or political prisoners. The KPNLF has a jail at its civilian camp at Site 2, which is used to house a small number of people accused of civil offenses in the camp, usually for relatively short periods of time, although at least one offender has been there for a year. Living conditions are the same as in the rest of the camp, and the prisoners regularly see their families and friends. There are no jails acknowledged at the ANS civilian camp at Site B, although there are rumors of one. A nearby ANS military facility is known to have a small detention facility. The ICRC has been allowed to visit both the KPNLF jail and the ANS facility.

The Khmer Rouge are known to run several jails, apparently containing numerous prisoners at any given time. Most of these are offenders against the many strict Khmer Rouge rules, or camp residents who refuse to portage war supplies to the Khmer Rouge military in the interior, or residents who attempted to escape camp. Former prisoners have reported being allowed to use the toilet only once a day, having their legs shackled at night, being put to work cutting wood and clearing mines, and sometimes being intentionally ordered into minefields if their offenses were considered serious enough. The Khmer Rouge have allowed no outsiders to inspect their jails.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A 1982 law on court organization provides the right of counsel only with prior approval of the court. The 1981 Constitution provides for public trials but allows for closed sessions. Political prisoners under the Heng Samrin regime are regularly denied fair trials. Estimates of the number of political prisoners in Cambodia range from the hundreds to the thousands. Reliable figures are not available.

The Lawyers Committee for Human Rights, as well as AI, also reported the existence of prisons run by what it termed the Vietnamese "special branch," such as the one designated 7708 in Phnom Penh. This is in fact the designation of one of at least 20 propaganda/civic action units of the Vietnamese army which work with Heng Samrin authorities in each of the 4 military "fronts" and special zones in Cambodia to maintain internal security. The Lawyers Committee estimated that political prisoners number in the thousands overall.

The Heng Samrin regime has reestablished courts and begun to develop a legal system, though there have been fewer trials in recent years. However, trials are used primarily for purposes of propaganda or public intimidation, with the verdict already decided. There are few procedural rights for defendants. According to a former prisoner who arrived at the Thai border

in 1986 and had gone through a Heng Samrin trial, defendants are required to memorize carefully and rehearse in advance all the questions and answers to be presented in court. Several police officials who had left the country and were interviewed by AI said that as of 1984 most cases were decided by the interrogators without reference to any tribunal. According to one source, important cases might be referred to the tribunal, but "the tribunal does not have the right to reject the judgment of the interrogators. It only pronounces the sentence." A prisoner who escaped in 1988 said that sometimes trials were held for detainees whom the interrogators had already decided to release. He also described the requirement to memorize carefully the proper answers to the questions, and said that if these defendants satisfactorily recited their testimony as rehearsed, they were released. A former inmate of the Battambang prison reported that in April 1987, very few of the approximately 900 prisoners in the facility, most of whom were arrested by PRK authorities for alleged cooperation with the resistance, were incarcerated as a result of judicial proceedings, but rather because they confessed to their crimes under interrogation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Heng Samrin authorities search whenever and wherever they wish. Networks of informers report to the secret police, and Vietnamese personnel are assigned to monitor all levels of the Heng Samrin internal security apparatus. Refugees arriving at the border in 1986 also reported the development of tightly controlled fortified villages in areas of resistance activity. Access to these villages is controlled by Heng Samrin or Vietnamese troops, and people are forcibly relocated into them to prevent contact with resistance forces. According to arrivals at the border in 1987, and to one Western journalist who accompanied guerrilla forces into Cambodia, almost all villages close to the Thai-Cambodian border in the northwest provinces have been relocated to the other side of a border security strip, especially those near known infiltration points. Heng Samrin authorities also began in 1986 to require that families in contested areas account for missing family members. Failure to explain adequately their absence results in the assumption that they are with the resistance and the relocation of the family to a fortified village. There are also numerous reports, confirmed by former PRK district officials, that the regime confiscates the majority of rice and other foodstuffs from villagers in an effort to prevent cooperation with the resistance.

In most of their camps along the border, the Khmer Rouge maintain strict control on the social activity of those under their control. In camps with little access by outsiders (all except Site 8), rules appear to differ little from those under the Pol Pot regime of 1975-78. For instance, the Khmer Rouge punish people who marry without permission, have unauthorized contacts with foreigners, or listen to unauthorized radio broadcasts. Relief workers who visit these camps report that people require permission to come to the health clinics run by voluntary agencies near the camps. Permission is also required, and virtually never given, for the medical evacuation of seriously ill or injured patients to the ICRC's surgical facility at Khao I Dang. In several cases during 1988, it was quite likely that the refusal of Khmer Rouge authorities to allow such transfers resulted in the deaths of the patients concerned.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

In Heng Samrin areas, the press and radio are wholly controlled by the regime. Criticism of the regime is not tolerated, nor are foreign books and periodicals permitted, except those officially distributed. There have been reports of arrests for listening to foreign radio broadcasts. A similar situation exists in the Khmer Rouge camps. The non-Communist groups do not have similar restrictions.

b. Freedom of Peaceful Assembly and Association

The only associations permitted by the Heng Samrin regime are those created to support the regime, such as those for farmers, women, and youth, which are usually headed by ranking party or government officials.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Heng Samrin regime has permitted the return of religious practices, but has not reinstated Buddhism as a state religion, nor does it actively encourage it. In general, the Heng Samrin authorities attempt to use Buddhism as one of a number of organizations for "mass mobilization" to implement party policies. The number of Buddhist temples (wats) is far fewer today than before 1970, and there are generally only two to four monks per wat, again far fewer than before the war. It is forbidden for men under 50 years of age to be ordained. Religious affairs are overseen by the National United Front for Construction and Defense, the same government agency that seeks to organize women, youth, workers, and religious groups to support the State. Communities that wish to construct a wat must apply to the local Front committee for permission.

Christian groups are harassed by the Heng Samrin regime. The Protestant and Roman Catholic communities in Phnom Penh reportedly are not authorized to meet. Muslims, most of whom are ethnic Chams rather than Khmer, have been encouraged by the Heng Samrin regime to renew their religious community, and at least one senior member of the PRK leadership is Muslim.

When in power in Phnom Penh, the Khmer Rouge disestablished Buddhism as the state religion. Since being driven from power, the Khmer Rouge have tried to give the impression of reform. This is most noticeable in the large Khmer Rouge civilian camp at Site 8, which has been accessible to international organizations and relief workers since it was established as an evacuation site in 1985 for people fleeing the Vietnamese offensive that year. A temple and monks are available in the camp, which functions as a showpiece for the Khmer Rouge. However, defectors from other Khmer Rouge camps, and those relief workers occasionally allowed into those camps, report that Buddhism is still discouraged by Khmer Rouge authorities outside of Site 8. Christianity and Islam were even more ruthlessly suppressed by the Khmer Rouge when they controlled the country and are not known to have been revived in Khmer Rouge-controlled areas.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Heng Samrin regime tries to control tightly all travel within the areas under its control. A system of neighborhood surveillance, modeled after the Vietnamese system, was introduced in 1981. A system requiring family registration and identification books was begun in 1980, and in 1983 the registration effort was placed under the police in each local administrative unit. Complex regulations govern movement of families and individuals within Cambodia. Passes are required for internal movement between villages. Checkpoints are ubiquitous, and bribes as well as passes are required to pass them, although checkpoints can often be dodged by avoiding roads. Permission from the authorities is required to travel abroad, and it is rarely granted except for those on official government business. Other Khmer seeking to leave the country flee to the Thai border in order to escape the conflict or in the hope they can enter U.N.-supported refugee camps in Thailand. The Heng Samrin regime routinely imprisons those caught attempting to flee, as well as those believed to be returning from border encampments affiliated with the CGDK. The Heng Samrin regime has agreed in principle to accept returning displaced persons from camps in Thailand, but has taken only one elderly woman so far because it has put off reaching an agreement with the United Nations High Commissioner for Refugees (UNHCR) on the mechanics of repatriation. In August 1988, the UNHCR announced that it would repatriate 14 Khmer with the cooperation of the Heng Samrin Government, but this has not yet materialized. Most of the Khmer allowed refugee status in Thailand have been approved for resettlement and departed for Western countries. Over 20,000 Khmer approved for refugee status remain at the Khao-I-Dang holding center in Thailand. Another 300,000 Khmer who have not been accorded refugee status in Thailand remain as displaced persons in camps on Thai territory near the border.

The Khmer Rouge also tightly control movement within their zone and determine whether non-Communist forces will be permitted to operate in, or cross, what they consider their "liberated areas" in Cambodia. In 1988 they began what appears to be an effort to close areas under their control to NCR forces. The civilian population in Khmer Rouge border camps is not allowed to leave the camps. Those attempting to escape to Cambodia or to an NCR camp run the risk of being shot by Khmer Rouge soldiers outside the camps. The Khmer Rouge also limit access by international organizations and voluntary agency personnel to monitor conditions in camps under their control in Thailand. Negotiations by the U.N. and the ICRC for more extensive monitoring continue. However, most of the civilian population in one Khmer Rouge camp (Ta Luan), to which the U.N. had access, were moved closer to the border and out of reach of outsiders in 1988. The population of another Khmer Rouge camp (Huay Chan), to which the U.N. had suspended assistance, was moved closer to the border as well. There are indications that these moves may be only interim steps to the Khmer Rouge objective of transferring its captive population back into Cambodia to avoid international monitoring and pressure to cease their human rights abuses against these people.

Freedom of movement is less restricted in the non-Communist camps, although still difficult. Those residents wishing to move to a camp controlled by a different faction must obtain

the permission of the camp leadership or attempt to move on their own. Military force is not deployed to stop them, although bandits, mines, and other hazards make such efforts dangerous. International organizations and voluntary agencies have good access to NCR-affiliated camps in Thailand.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Khmer people do not enjoy the fundamental right of self-determination. The KPRP, a party which acknowledges a serious shortage of members, controls political life in areas controlled by the Heng Samrin regime. Major policies are approved by Vietnam, and many day-to-day administrative decisions, especially in internal security matters, are made unilaterally by Vietnamese officials.

Political aspirants in Heng Samrin areas must study the current political dogma, which centers on acceptance of the Vietnamese explanation for Hanoi's dominant position in Cambodia. Middle- and high-level Heng Samrin officials must attend political schools in Phnom Penh and in Vietnam. Relatively few Heng Samrin officials are considered reliable by the Vietnamese. The highest positions of trust are given to Khmer loyal to Hanoi prior to 1975, followed by pre-1978 defectors from the Khmer Rouge, other former Khmer Rouge cadre, nonpolitical "intellectuals" (including many pre-1975 schoolteachers), and low-ranking officials of pre-1975 governments, in that order. While attempting to build an indigenous Communist party and government structure in Cambodia, Vietnam itself maintains considerable control. Elections in Heng Samrin areas do not allow genuine political participation, but rather are staged by the regime to attempt to demonstrate legitimacy and to underscore the relative status of leaders by varying reported percentages of the "vote." Although National Assembly members are supposed to serve terms of 4 years (the second round of elections should have been held in 1986), no elections have been held since 1982. Instead, the existing National Assembly was extended for another 4-year term. The 15th session of the first PRK National Assembly was held in June 1988.

The Khmer Rouge Communist Party of Kampuchea was ostensibly dissolved in December 1981, but is widely thought to continue to exist in areas controlled by the Khmer Rouge. The party, in which power is concentrated in the hands of fewer than 10 people, controls all political, economic, and military life in those areas. No opposition is possible. Although Pol Pot purportedly "retired" in 1985, and assumed an advisory position on national security, defectors from the Khmer Rouge report that power continues to be held by the pre-1979 leadership, and Pol Pot himself is reported to be the most powerful military commander of the Khmer Rouge and the de facto commander-in-chief.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights violations in Cambodia have been the subject of intense international attention since 1978, when the United Nations Human Rights Commission and its subcommission on the Prevention of Discrimination and Protection of Minorities began investigating the problem. In February 1988, the Commission adopted the latest in a series of resolutions on

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Cambodia, reiterating its condemnation of persistent violations of human rights in Cambodia and reaffirming that the continuing occupation of Cambodia by foreign forces deprives the people of Cambodia of their right to self-determination. Authorities in the areas controlled by the Heng Samrin and Khmer Rouge have not permitted investigation of charges of human rights violations. Requests by the Lawyers Committee for Human Rights and AI to visit areas controlled by the Heng Samrin regime have elicited no response from Phnom Penh authorities. Persistent requests by the ICRC to visit prisoners of war, or any other prisoners under PRK control, have never been granted. The Heng Samrin regime and the Khmer Rouge areas have local Red Cross organizations, but neither they nor any other groups in those areas have a role in the protection of human rights.

The Lawyers Committee did visit the Thai-Cambodian border region and published a report on the human rights situation there in early 1987. The report was critical of human rights abuses committed by the Khmer Rouge, bandits who had deserted from the KPNLF, and some active duty KPNLF troops against Cambodian refugees in Thailand. During 1988, in response to international pressure, the KPNLF removed some of the military leaders who were the worst human rights violators, and the Thai reorganized their military commands responsible for guarding the civilian camps, with the result that the incidence of violence and human rights abuses declined considerably. Unlike most of the Khmer Rouge camps, the non-Communist camps along the Thai-Cambodian border have a substantial daytime presence of voluntary and international organization staff who have intervened to secure better treatment of minorities, such as Vietnamese refugees among the Khmer.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Directives issued by the Heng Samrin regime in 1982 seemed to accord a privileged status to Vietnamese immigrants vis-a-vis Khmer residents, and there have been reports of Vietnamese taking advantage of their privileged status to force Khmer out of desirable occupations or land. Khmer arriving on the border in 1988 frequently reported that Vietnamese in the cities continued to supplant Khmer merchants, and this privileged status appeared to be backed by the Phnom Penh authorities. However, matching the apparent decline of discrimination against ethnic Chinese in neighboring Vietnam, there were few reports in 1988 of PRK policies or actions that affected Chinese unfairly. Reports from border travelers indicate that many Vietnamese have moved into Cambodia to join other returning residents who had been expelled during the Khmer Republic or Khmer Rouge periods. Most are traders or fishermen, but a large group of Vietnamese farmers have settled on rich marshland in Takeo Province.

There is no specific information available on discrimination of other types.

Section 6 Worker Rights

a. The Right of Association

Organized labor is totally under the regime's control, and industries have organized branches of the official "Trade Union for National Salvation." Workers have no right to

establish and join organizations of their own choosing. The "Kampuchean Federation of Trade Unions" is an official mass organization headed by Communist Party politburo member Mat Ly. As an indication of the role assigned organized labor by the regime, Phnom Penh radio reported that Mat Ly's speech at an October 1988 trade union congress in Phnom Penh "expressed satisfaction with the development, both in quantity and quality, of the trade union organization, which has spread throughout the country rallying all Cambodian workers around the KPRP to achieve all the tasks assigned by the party and State."

b. The Right to Organize and Bargain Collectively

Collective bargaining is unheard of. There are no economic incentive zones or special industries where labor standards differ from those elsewhere in the country.

c. Prohibition of Forced or Compulsory Labor

Forced labor by the PRK regime and directly by the Vietnamese is common, although it is not primarily used as a sanction or a means of racial, social, or other discrimination. Although the use of forced labor appeared to decrease in 1988, the regime still conscripted thousands of laborers to construct infiltration obstacles, clear brush, and build roads. The laborers suffered frequent loss of life from mines, malaria, and other diseases in the remote border areas. Their forced participation placed their lives at risk when Vietnamese or resistance military actions occurred nearby. Many observers also believe the vast numbers of forced laborers sent to the malarial regions near the border over the past 3 years were responsible for the serious increase of malaria in the central regions of Cambodia where it had previously been rare. The decrease in the number of forced laborers during 1988 appeared to result from the completion of much of the system of border obstacles, or the decision to suspend work on the remainder.

The Khmer Rouge also require labor from all persons under their control. Khmer Rouge civilian defectors continued to report in 1988 that they were forced to carry supplies and ammunition into the interior of Cambodia in support of military operations, saying they were punished if they failed to comply.

d. Minimum Age for Employment of Children

There is no known minimum age for the employment of children. Children are regularly employed as soon as they are physically able to perform the tasks required, either in agriculture or industry.

e. Acceptable Conditions of Work

No attention appears to have been given by authorities to ensure acceptable conditions of work, and there is little information on this subject. Wage scales for the few industrial and government workers are set by the State and are universally regarded as insufficient, forcing employees to supplement their wages in some other manner.

CHINA

The Chinese Communist Party (CCP) rules the People's Republic of China (PRC). A small group of leaders exercise ultimate power within the party through their positions in several key organizations, including the 17-member Politburo, its 5-member Standing Committee, and the party's Central Military Commission. Deng Xiaoping, the Chairman of the Central Military Commission, is China's preeminent leader. Since achieving power in 1949, the CCP has continued China's long tradition of authoritarian rule. The CCP justifies its leading role by invoking Marxist-Leninist ideology.

The CCP and the Government maintain control through a large state security and legal apparatus--which includes the Ministry of State Security, the Ministry of Public Security, and state judicial, procuratorial, and penal systems--and through traditional societal pressure.

As modernization of China's economy has progressed, the leadership has repudiated much of the centralized Soviet economic model, the basis on which it originally structured China's socialist economy. Without changing the fundamental Socialist orientation of the economy or of the government, individual and small collective enterprises have been allowed more leeway to operate, and many small state-owned enterprises and stores have been contracted out to individuals. In the countryside, where 80 percent of the population lives, the rural commune system has been eliminated, and peasants now farm land leased from the Government under individually held contracts.

There has been a limited relaxation under way for a decade in the context of China's overall reform program. Political reform has to some extent reduced the role of the party in government and the everyday lives of Chinese. The relaxation in the political atmosphere has made it easier for people to express a variety of opinions on government and party policies as long as they do not question the foundations of party rule. The legal system, abandoned during the Cultural Revolution, is being resurrected and strengthened, but it will require many years to rebuild effective legal institutions.

During 1988 there was some improvement in the human rights situation in China but also some important setbacks. While China's authoritarian structure remains in place, there is reason to expect that this liberalizing trend will continue, albeit in fits and starts, in the coming years. The PRC, however, continues to place important restrictions on basic political and civil rights. In growing numbers, students, academicians, and intellectuals have demanded democratization of the system in recent years. However, the Government still does not tolerate fundamental criticism of the CCP, the Socialist system, or the leadership. In the past, dissidents, such as those calling for democratization of the system, have been dealt with harshly. Charged with "counterrevolutionary" offenses, they were frequently imprisoned for long periods of time or sentenced to "reform through labor." Today retribution is usually more subtle, often involving loss of party membership and its accompanying perquisites, refusal of permission to travel abroad or to publish, and damage to professional careers.

Periodic setbacks in the human rights situation serve to highlight the limits on the rate and scope of liberalization.

Prominent among them was the violent suppression in late 1987, March 1988, and December 1988 of demonstrations in Tibet. These demonstrations underscored the continuing Tibetan resentment of Han Chinese economic and political dominance.

Faced with a population of 1.08 billion, mostly concentrated in some 20 percent of China's territory in the eastern provinces, the Government maintains an extensive family planning program. The program encourages families to have only one child, but provides for some exceptions. The implementation of this policy varies widely. Government officials state that regulations calling for prosecution of those using coercive measures have been successfully implemented. A resurgence in birth rates in the past 3 years suggests coercion may indeed have decreased. Current government policy is to rely on a combination of strong economic and social pressures and economic incentives and penalties to encourage small families rather than on more direct coercion. However, with China's vast rural population (over 70 percent of the total), control measures have been increasingly ineffective because of decentralization of authority, broadened prosperity, and flexibility in policy implementation at the local level.

The general trend toward greater toleration of officially approved religious activities continued. The number of churches, monasteries, and mosques conducting religious services has increased, as has the availability of religious training and literature. Nevertheless, the authorities continue to suppress unofficial religious institutions and control ties to foreign religious organizations. In Tibet, government controls on the activities of monks and monasteries were among the factors which led to protests.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No government-sanctioned, politically motivated killings are known to have occurred in 1988. However, the Chinese forcibly suppressed demonstrations in the Tibetan Autonomous Region (TAR) that occurred in late 1987, and in March and December 1988. Chinese officials have confirmed that five people died during the large-scale riot of March 5, including one Han Chinese police officer. Reportedly at least one monk was killed by Chinese security forces during the December 10 demonstration, when public security personnel resorted to use of firearms in quelling actions by unarmed demonstrators.

b. Disappearance

Mr. Xu Yongze, an itinerant Christian evangelist, was reported to have disappeared after being detained by security officials in April, and regular inquiries about him have been made by a number of organizations and persons. Chinese officials have denied Xu's arrest, but according to Hong Kong sources Xu is imprisoned at an unknown location. There were no other confirmed reports of persons being abducted or disappearing at the hands of the security services.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

China's Code of Criminal Procedure specifically prohibits the use of torture. In December 1986, China signed the 1984 United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment. The Standing Committee of the National People's Congress ratified the Convention in September 1988. According to official statistics, in the first 6 months of 1988, procuratorial organs handled a total of 7,000 legal-disciplinary cases. Eleven percent of these cases dealt with violations of human rights, such as illegal detention and forced confessions. A further breakdown of these statistics was unavailable. News reports of occasional use of torture or physical punishment by officials persist. The Government continues to publicize and condemn cases of such activity and to take action against the perpetrators. For example, the July 18 issue of the Legal Daily reported that a public security officer in Henan province was tried and sentenced to life imprisonment for the death by beating of a detainee under interrogation. In an unsubstantiated report, five African students allege that they were tortured during interrogation by police following their involvement in a confrontation between African students and Chinese students and university employees in Nanjing on December 24.

The authorities sometimes subject persons convicted of serious crimes to public denunciation and humiliation at "mass sentencing rallies." At these rallies, sometimes attended by thousands of people (including the families and neighbors of the convicted persons), the accused are denounced and their sentences revealed to the crowd. Such "mass sentencing rallies" continued to occur in 1988.

A July 1980 central government order reportedly banned the practice of humiliating criminals by parading them through the streets. Nonetheless, there was at least one such occurrence in 1988. Public executions ostensibly ended with the promulgation of the Law of Criminal Procedure in January 1980.

Little information generally is available about conditions inside Chinese prisons. As a result of the detention and later release of a number of Tibetan demonstrators in 1987-88, some examples of abuse by police and prison officials have been reported. Reports vary on the occurrence and severity of beatings and other forms of torture or ill-treatment in prisons in Tibet. Credible reports, however, suggest that beatings and other forms of mistreatment, including the use of electric prods, were common among those detained following protests in Tibet. These reports are similar to periodic fragmentary accounts of alleged treatment of several political dissidents jailed since the early 1980's for political activism related to Beijing's "Democracy Wall." TAR officials deny that Tibetan prisoners are tortured or otherwise mistreated and have specifically denied the use of electric prods. However, officials have been sparing in their release of information on actual conditions within prisons. TAR officials refused a September request by the U.S. Consulate General in Chengdu to visit a Tibetan prison. Neither have officials responded to an August request by a visiting U.S. Senator for information on conditions in Tibetan prisons and on the status of individual prisoners named in a list passed to TAR officials again in October.

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d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedure Code proscribes arbitrary arrest or detention. According to the law, interrogation should take place within 24 hours of detention and the detainee's family or work unit should be informed of the reasons therefore and the place of detention. The Public Security Bureau must submit a request for formal arrest to a procuratorate within 3 days of detention. This period may be extended by 1 to 4 days "under certain circumstances." The procuratorate must approve the application for arrest or have the detainee released within 3 days of its submission. A detainee may therefore be held for up to 10 days prior to formal arrest.

In July 1984, the NPC Standing Committee approved amendments extending the period of detention during investigation after formal arrest from 2 to 4 months and the time limit for trials from 1 1/2 to 2 1/2 months. These changes are supposed to apply only to "serious" cases and require that extensions be approved by provincial procuratorates or courts. The 1984 regulations also authorized the use of bail for accused persons not considered "dangerous," but to date no reports of its implementation are available.

Court and procuracy officials are supposed to be held accountable if these time limits are violated, and Chinese officials and the press frequently call for the strict enforcement of these provisions of the code. There have been press reports of officials being charged and sentenced for illegal detention of persons. Nevertheless, people continue to be detained for long periods of time without being charged or told of the reasons for their detention. For example, Yang Wei, a former student in the United States, was held in detention for 11 months, apparently without being charged formally, before being brought to trial in late 1987. Apparently most of those detained for participation in demonstrations in Lhasa have also been held for periods varying from days to months without being formally charged.

Incommunicado detention of criminal suspects occurs. The provision of the law requiring notification to families or work units when a person is detained (Article 43, Law of Criminal Procedure) is ignored frequently.

Under "labor education" provisions, those who commit minor theft or fraud or who have been expelled from their work units may be deprived of their civil liberties and subjected to 1 to 4 years of "reform" without trial. "Reform" includes ideological indoctrination, academic instruction, vocational training, and compulsory labor. This nonjudicial sentencing procedure has been used frequently against political dissidents. Judgments are handed down by a public security office in consultation with representatives of local civil affairs units.

"Reform through labor" is a court sentence imposed on those accused of more serious crimes than those which come under "education through labor" provisions. Persons may be sentenced to up to 15 years of "reform through labor." Offenders from prisons in coastal areas are often transferred to labor camps in remote areas of Xinjiang and Qinghai in China's far west. Even after they complete their sentences, prisoners may be denied permission to return to their homes in eastern China. In what amounts to a form of internal exile, they are assigned jobs and become permanent residents of these

underpopulated regions. A U.S. Embassy request to visit a prison or labor camp in Qinghai in the fall of 1987 was denied.

In addition, there are several forms of administrative detention. As noted in Amnesty International's (AI) 1987 report "China: Torture and Ill-Treatment of Prisoners," people may be detained for up to 15 days for minor public order offenses. Another form of administrative detention imposed by the police is "shelter and investigation." Although the AI report cites 3 months as the maximum period for this type of detention, officials have said that there is no statutory time limit. Officials confirm AI's contention that those subject to this type of detention are people who commit minor offenses or whose identity, address, or background is unclear.

Credible reports from Lhasa indicate that in some cases Tibetans, including family members and fellow monks, have been denied permission to visit detainees. These reports also indicate that information on the welfare of the detainees has sometimes been withheld. Widespread uncertainty over the number of prisoners, their identities, and their physical condition adds credibility to these claims, as do similar reports elsewhere in China that prisoners--particularly those suspected of politically related offenses--are sometimes held without due process or notification of families.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

China's judiciary in practice follows CCP policy. Political-legal committees composed of party and government legal figures exist at all levels of government separately from the court system. These committees are responsible for enforcing party interests in important criminal cases. There are currently no standing special political or security courts.

Courts generally assume that any person brought to trial is guilty. Most Chinese trials are essentially sentencing hearings at which defense representatives plead for clemency for their clients and, with few exceptions, do not contest their guilt. Trials are preceded by extensive pretrial investigation carried out by the Public Security Bureau and the procurator. The law guarantees the right to counsel; however, a defense attorney normally does not enter a case until just prior to trial, which could be months after formal charges are brought. Throughout 1988 lawyers and legal scholars publicly debated the need to allow defense lawyers to enter cases earlier, but no official measures have been taken to permit this.

There have been instances where accused persons have successfully defended their innocence and been released, although this occurs in less than 2 percent of cases, according to one report. Defendants in criminal cases may appeal both verdicts and sentences to the next higher court; in doing so defendants run the risk that their sentences may be increased as well as decreased.

The Criminal Procedure Code requires that all trials be held in public, except those involving state secrets, juveniles, and "personal secrets." In practice, attendance at public trials requires an admission ticket obtained from organizations selected by the authorities, and foreigners are often barred.

In the Yang Wei case, the tickets were reportedly limited to cadres and university administrators rather than students or other colleagues. Yang's parents were allowed to attend the trial, but foreign observers were not.

Some courts may be more open to the press in the future. A June 13 Legal Daily article announced that Beijing courts will allow the press to cover and report on criminal cases from arrest through investigation to trial and sentencing, except those involving state secrets and personal secrets.

No reliable figures exist for the number of political prisoners in China. Insufficient data make an accurate estimate impossible. The Government denies that it has any political prisoners and insists that it imprisons only criminals and "counterrevolutionaries." The Criminal Code considers such crimes as espionage, subversion, and "propagandizing for and inciting the overthrow of the ... Socialist system" as counterrevolutionary. According to Government sources, "counterrevolutionary" offenses are said to constitute about 1 to 3 percent of the number of criminal offenses. Wei Jingshen is currently serving a 15-year sentence following conviction for "counterrevolutionary" crimes committed in connection with "Democracy Wall" in 1979.

The total inmate population in labor camps and prisons may have increased since a 1983 anticrime campaign, in view of a report that by the end of 1986 over 1 million people had been sentenced as a result of the crackdown. Partial figures obtained in 1986 suggest a total prison/labor camp population of between 2 and 5 million.

Estimates of the total number of detainees and prisoners held in Tibetan prisons as a result of the 1987 and early 1988 demonstrations range from unofficial reports of between 75 and 100 and official reports of 13 to 26.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Personal and family life are extensively regulated in China. For many Chinese, particularly among the 20 percent of the population who are urban residents, life revolves around the work unit, which not only provides employment, but also often controls housing, ration coupons, permission to marry and have a child, and other aspects of ordinary life. The work unit, along with personnel in neighborhood committees, monitors a person's attitude and behavior. The unit implements party policies at the local level, but its considerable autonomy may also be used to ignore or obstruct directives from the top. Recent economic reforms and a central policy of relaxing social controls have weakened the unit's interference in many aspects of daily life. In rural areas, the shift to family farming from collective farming, for example, has markedly decreased opportunities for interference in personal lives by local officials.

Chinese leaders in the 1970's concluded that it was important to limit the growth of China's population. A comprehensive family planning program was initiated and, according to the State Statistical Bureau, 104 million fewer babies were born in China between 1978 and 1987 than would have been born without the program.

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The national policy, with some exceptions, calls for families to have only one child. Throughout the country, regulations for implementing the national family planning policy are set by local governments; there is significant variation in the way the program is implemented from province to province and often even within a given province. Although national policy calls for one child per family, nearly one out of two children (48.3 percent) born in 1987 was a second birth, 31.5 percent were third births, and 16.8 percent were fourth births.

The national policy of one-child families has been directed primarily at Han Chinese who make up about 92 percent of China's population, and central guidelines have been followed more vigorously in urban areas than in rural areas. Increasingly, provincial authorities have expanded the grounds for waiving the one-child rule, ranging from the birth of a handicapped baby and parental employment in particularly hazardous and undesirable occupations to the birth of a girl as a firstborn in many rural areas.

In 1988 national authorities announced that the family planning policy would be extended to some minority areas as well as Han areas. Most minorities, however, continue to enjoy more liberal treatment with respect to family size. Family planning appears to have been largely ignored among minorities in Xinjiang, Qinghai, and Gansu where large families are the norm.

Couples who sign a pledge to have only one child receive a number of incentives, often including free health care for the child; a 5 percent increase in their pensions; priority in housing, schooling, and medical treatment; and a monthly bonus of about $2.00.

Couples who insist on having a second child have the right to do so in principle. However, in addition to losing their eligibility for monthly bonuses, they may be required to pay fines, repay money already received and, in some instances, give up or return other benefits as well. Economic pressure on families who already have two children and then have more may be severe, and may include the loss of Communist Party membership, loss of job, difficulty in purchasing state-supplied seed, fertilizer and fuel, and other sanctions. Sometimes private property is attached or confiscated for failure to pay fines. The rise in rural incomes accompanying economic reforms has, however, reduced peasant responsiveness to economic sanctions. Moreover, employment in small collective or individual enterprises has further weakened the ability of government agencies to enforce regulations.

In the past, contrary to announced central government policy, there were reports of some local officials coercing women who became pregnant without permission into having abortions. In 1988 the Government stressed repeatedly that it does not condone forced abortions or sterilizations. Chinese authorities have said that they take measures against local officials who violate government policy in this regard. In November 1988, Gansu province passed a law prohibiting mentally retarded persons from bearing children, mandating sterilization of such persons before they can receive a marriage license, and requiring termination of any pregnancy of a mentally retarded woman.

Contacts between Chinese and foreigners have increased considerably in recent years. Whereas Chinese citizens whose

work did not require or permit contact with foreigners have in the past been warned or detained and questioned if they persisted in meeting foreign acquaintances, such instances appear to be much rarer than in the past. "English corners," where Chinese and foreigners can meet to talk in English, attract large numbers of people. Meetings with officials by official and unofficial Americans which were difficult to arrange only a few years ago are now more routine.

The Criminal Procedure Code requires the use of search warrants for gathering evidence, and they have been presented in a number of cases involving foreigners. No reliable information exists as to how strictly this provision is implemented among the general population. The Code allows the authorities wide latitude. If an "emergency situation" develops when the authorities are carrying out arrest or detention, they have the right to enter and search living premises without warrants or notification. Several years ago, there were credible reports of the use of electronic eavesdropping equipment to monitor suspected political dissidents. There is no evidence to suggest that the authorities have ceased using such measures.

In December 1986, the NPC passed China's first postal service law guaranteeing privacy in written communication and prohibiting tampering with mail except as permitted by law (i.e., as noted in Section 5, Article 86 of the Criminal Procedure Code, investigative personnel of the public security organs or the procuracy are empowered to authorize the seizure of mail or telegrams).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although one clause in the Constitution provides for freedom of speech and of the press, the preamble prohibits criticism of the CCP or socialism. Although restrictions on freedom of speech and of the press have been relaxed to some degree in recent years, tolerance of political criticism on sensitive subjects, such as leadership corruption or fundamental policy direction on noneconomic subjects, remains limited. Occasional repressive campaigns, such as the antispiritual pollution campaign of 1983 and the antibourgeois liberalization campaign of early 1987, strongly discourage free expression.

Many authors, especially those persecuted in past political movements, practice self-censorship. Penalties for breaching unwritten rules of acceptability include public criticism in journals and newspapers. Editors of journals or other publications may face dismissal. Several newspapers accused of political infractions during the 1987 antibourgeois liberalization campaign experienced party criticism and closure. Party members who do not abide by the strictures on criticism of the party may be expelled.

The antibourgeois liberalization campaign followed late 1986 demonstrations, in which students called for political reform and democratization. Party actions included expelling at least three prominent intellectuals from the CCP. An ideological chill, which limited freedom of expression in cultural and intellectual circles, was evident through the winter and part of the spring of 1987. Authorities reportedly prevented a variety of cultural events from opening.

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Even though the party took disciplinary action against five intellectuals in the summer of 1987, the atmosphere prior to and during the 13th Party Congress in October of that year indicated a more relaxed political environment with regard to freedom of speech and the press. Party General Secretary Zhao Ziyang, in his opening speech to the Congress, said that the Government should "put an end to abuses of rights and freedoms" and enact laws governing the press and publications, association and assembly, and practice of religion. Discussion and drafting of these proposed laws was well underway by the end of 1988.

The seventh session of the National People's Congress (NPC), held in the spring of 1988, demonstrated the party's willingness after the 13th Party Congress to experiment with limited openness and tolerance of criticism from the outside. Domestic and foreign journalists were allowed to cover major segments of the NPC. Delegates elected some NPC leaders from multicandidate slates for the first time. Delegates voiced strong criticism of party and government economic and education policies. They also condemned growing official corruption. Chinese press and television later replayed some of the delegates' statements.

Two months later, threatened student demonstrations in Beijing demonstrated the continued existence of limits on the expression of political views. In early June, Beijing University students posted "big character posters" on campus lampooning the party and threatened to demonstrate for democracy in the center of Beijing. Authorities quickly warned students of the negative consequences of this and threw a police cordon around the area where students intended to gather. Planned demonstrations fizzled, and the public expression of student discontent rapidly subsided.

The leadership has permitted greater, albeit still limited, access to various aspects of foreign culture. Foreign books and artistic works are still screened by authorities, but more are available now than in past years.

Foreign films are shown more frequently on television and in theaters, and visits by foreign artistic groups are more common. Selected subscribers in universities and other institutions receive foreign periodicals. Tens of millions of Chinese read "The Reference News", an officially published selection of translations from the foreign press that is circulated privately within China.

Coverage of foreign news in the open media has become more extensive and professional. Chinese listen freely to foreign broadcasts, and many universities use the Voice of America and other foreign radio broadcasts in their language courses. In its weekly programming, Chinese television includes some programs from Western and other countries.

Recent government action with regard to foreign press activity in China has been contradictory. The 13th Party Congress in late 1987 and the seventh NPC were the first large party and government convocations partially open to foreign journalists. No foreign journalists have been expelled from China since early 1987, but one was denied entry in 1988. After initially allowing foreign journalists into Tibet to cover the demonstrations in Lhasa in late 1987, the TAR Government ordered them out. While a few have been permitted to return, the Government has strictly enforced rules requiring

application for entry 10 days in advance and has otherwise obstructed easy journalistic access.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly and association, but these are strictly regulated in practice. In December 1986, the Beijing municipal government enacted new regulations circumscribing residents' rights to participate in marches and demonstrations by requiring application in advance and proscribing certain areas. Shanghai, Xinjiang, and other areas enacted similar regulations in 1988.

Lhasa enacted regulations restricting assembly in 1987. Chinese officials contend that some Tibetans who participated in Lhasa demonstrations killed or wounded police officers and many advocated Tibetan independence. Authorities consider such advocacy illegal and, since October 1987, at least one Tibetan who allegedly supports independence has been detained and charged with the crime of "spreading reactionary propaganda and agitation." A TAR official recently told a visiting U.S. Senator that many of the monks and lay people who participated in the demonstrations not only engaged in shouting "splittist" slogans but also took part in beating, looting, and destroying public property. Lhasa residents have told visitors that the Tibetan riots spread into Han Chinese business areas of Lhasa, where shops and people were attacked. However, many people who were detained and punished apparently did nothing more than demonstrate and shout slogans.

China has a wide variety and increasing number of professional and other mass associations, such as the All-China Youth Federation, the All-China Women's Federation, the Chinese Writers' Association, the All-China Sports Federation, and various official religious organizations. These groups are under party control. The authorities attempt to suppress or coopt groups which attempt to function independently.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Reversing the attempts during the Cultural Revolution era to eliminate all religious practice, China's leadership initiated a policy of limited religious toleration in 1978. According to official statements, the Government's current policy towards religion rests on the assumption that "it will take patient, meticulous, and repeated education over a long period of time to weaken religion's influence. Religion cannot be completely abolished until the future, upon the attainment of a certain state in the development of Communist society."

The Constitution affirms freedom of religious belief, and specifies that no organization or person may compel citizens to believe or disbelieve in religion or discriminate against them because of religious preference. The Constitution also provides that religious bodies must not be subject to foreign domination. In the past, this provision has been directed at the Catholic Church, but following the disturbances in Lhasa the Chinese authorities have acted to combat the Dalai Lama's influence on the Tibetan Buddhist community. In addition to these provisions, official policy forbids religious proselytizing other than at places of worship or believers' homes. The Government seeks to prevent the conversion of those

under 18 years of age. Government officials while acknowledging that this is current policy, assert that the policy is only loosely implemented and there are no known instances in which this concern has led to pressure on families not to teach religion to their children.

The authorities have required all religious bodies to affiliate with eight national organizations representing Christianity, Buddhism, Islam, and Daoism. Five of these are Christian associations: two Protestant and three Catholic. Together, these five Christian associations, with different functional responsibilities but overlapping leaderships, constitute the officially sanctioned national Protestant and Catholic Churches. These five Christian associations and the three organizations representing the other religions exist to ensure that religious bodies accept the leadership of the State and party.

Although the Government required all Protestant denominations to merge in the 1950's, congregations and individuals may follow preferences on such matters as forms of baptism. Since its separation from Rome 30 years ago, the Chinese Catholic Church has developed its own theology and doctrines. For example, it rejects papal infallibility and supremacy, continues to conduct services in Latin, and supports the state's policy on birth control, provided church-approved methods are used.

Religious activities have expanded considerably in recent years and appear to have been noticeably strengthened in the last 3 years. Many religious institutions which closed during the Cultural Revolution have reopened. In 1988 there were over 30,000 churches, temples, monasteries, and mosques in service in the country. Many Buddhist and Daoist temples have reopened, often after restoration at government expense.

A pressing shortage of priests, ministers, monks, and imams exists because the older generation of religious leaders is dying off, almost no replacements were trained between 1967 and 1978, and the Government limits the number of new clergy and controls their appointments. Officials admit that there are not enough places of worship for religious believers.

Since the implementation of a more liberal minorities policy in the early 1980's, young men have flocked to join seminaries and monasteries. Government sources estimate, for example, that there are presently 14,000 officially recognized monks and nuns in Tibet. Officials claim that they impose no limits on the number of monks and that there is no minimum age for entry into a monastic order. Unofficial sources, however, claim that the Government does limit the number of officially sanctioned monks at each monastery. Reports from Tibet indicate that many "unofficial" monks live in Tibetan monasteries. Although they live virtually as do other monks, their families must provide their food, unlike the official monks, who are supported by the monasteries.

Since 1981 the authorities have permitted the establishment of seminaries to train a limited number of young people in religious orders. The Chinese Catholic Church has 10 seminaries in operation. The Protestant Church also operates 9 seminaries, in addition to the National Theological Institute in Nanjing. The Islamic association runs nine institutes throughout China to train imams and Islamic scholars. The Buddhist association has approximately 20 institutes

nationwide, including facilities in Beijing, Suzhou, and Nanjing. The Government opened a Tibetan Buddhist institute in Beijing in 1988. In addition to these major institutes, individual mosques and temples run their own small education and training programs.

The religious associations sponsor a variety of publications for believers, including scriptures, teaching material, theological journals, and hymn books. Since 1980 for example, the Protestant China Christian Council has printed and distributed over 3 million Bibles; there were reports in 1988 that Xinhua bookstore will also distribute them. Adherents of some religions complain the Government has failed to return some religious properties and redistributes their contributions to support other religions. The Government provides other forms of financial support for religious bodies (e.g., tax exemptions for rental income and cash subsidies to Muslims for observance of dietary law).

The number of Christians has increased since 1978, with an official estimate of 3 million Catholics and 5 million Protestants in 1988. Informed unofficial estimates suggest there may be as many as 20 million. Officials state that there are 15 million actively practicing Muslims, and there are well in excess of 10 million practitioners of Buddhism. Daoist believers run into millions .

Even though there has been an undeniable increase in the exercise of religious freedom in recent years, the authorities still react sharply to unsanctioned religious activity. Officials have repeatedly stressed that while it is government policy to protect "normal" religious practice, the Government will not tolerate "counterrevolutionary sabotage perpetrated in the name of religion." A recent example is the imposition of tight security in Lhasa following disturbances which drew the active participation of Buddhist monks. The Government placed security personnel in the major monasteries in Lhasa after the 1987 and 1988 riots. These personnel were withdrawn from the monasteries over the summer, returned in September, and withdrawn again at the end of October.

Public security authorities closely monitor and sometimes harass Christians who prefer to worship outside the officially recognized "patriotic" church system in what are termed "house churches." For example, local officials in Guangzhou have repeatedly threatened since August to close down a well-known "house church" in Guangzhou. Any nonofficial organization of groups of churches and itinerant evangelism are prohibited.

In 1983 the NPC Standing Committee authorized the death penalty for those organizing secret sects which spread "feudal and superstitious ideas." This provision appears to be aimed at resurgent traditional animist and cult practices.

Because of concern over divided loyalties, the authorities carefully monitor and control contacts between Chinese and foreign religious organizations through the national-level religious associations. Even so, the Government has encouraged Chinese religious leaders to participate in international exchange activities. For example, the Bishop of Shanghai, Jin Luxian, has visited the United States, traveled to France for unofficial talks with French Catholic Church officials in May 1987, and visited Hong Kong in 1988 where he talked with newly appointed Cardinal Wu and a retired bishop from Taiwan. Jin,

who was arrested when Beijing broke with the Vatican in the 1950's, cooperates with but has not joined the state-sponsored church.

In April Evangelist Billy Graham visited China for 3 weeks at the invitation of the official China Christian Council and the Chinese People's Association for Friendship with Foreign Countries. He spoke to Chinese congregations in Beijing, Shanghai, and at a house church in Guangzhou, in addition to meeting with Premier Li Peng and other Chinese officials and religious leaders.

China resumed giving permission to Muslim citizens to make the hajj in 1979. Since 1985 over 2,000 Chinese have journeyed to Mecca every year. In addition, there are indications that Chinese religious organizations may be permitted to receive funds or gifts from foreign religious organizations, if no strings are perceived to be attached.

The Government insists, however, that the country's religious bodies must be independent of foreign control and warns against foreign attempts to interfere in Chinese religious affairs. The Government prohibits foreign missionaries from practicing among Chinese citizens. Foreigners with acknowledged ties to overseas religious institutions may work in China, often as English teachers, provided that they do not engage in open proselytizing. The Government seems to be willing to overlook minor infractions of this injunction, although those who have tested the limits of its tolerance in this regard have sparked official reactions (including denial of permission to extend a person's period of residence in China in one case).

The authorities' concern over foreign influence largely has been directed at the Vatican in the past, in part due to the Vatican's continued diplomatic ties with Taiwan. Chinese priests who publicly maintain their loyalty to the Pope are subject to arrest and imprisonment. However, Chinese authorities released Catholic Bishop Gong Pingmei (Ignatious Kung) from prison in 1985 and from parole in January 1988. Bishop Gong was imprisoned in 1955 for his loyalty to Rome. The authorities have also released other Catholic clergymen. In January a Catholic Church official revealed that the Bishop of Baoding, Monsignor Peter Joseph Fan Xueyuan, was released from prison on parole in mid-1987. Bishop Fan was reported to have been sentenced to 10 years' imprisonment in 1983 for maintaining links to the Vatican and independently ordaining priests. Church sources in China also indicate that the authorities have released all priests held in Shanghai for their loyalty to the Pope.

The Chinese oppose political activity by the Dalai Lama that they see as aimed at promoting Tibetan independence or raising questions about the status of Tibet. The Tibetan people's deep reverence for the Dalai Lama as a religious leader is tolerated in China, but people risk criminal charges if they participate in activities deemed to constitute agitation for Tibetan independence. The Tibetan exile community's religious ties to Tibetans in China are reportedly closely monitored by the Chinese authorities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Various formal and informal restrictions govern travel within China. Chinese citizens must have a written letter of introduction from their work unit to buy airplane tickets, secure hotel accommodations, or acquire ration coupons for purchase of some basic foodstuffs outside their place of residence. Those traveling by rail who plan to stay with relatives need not obtain letters of introduction, but are still legally required to register with local police during their visits.

In practice, however, many Chinese do not comply. With higher income levels (particularly in the countryside), Chinese are traveling more frequently within the country, often ignoring restrictions without difficulty. This increased flouting of bureaucratic requirements was, no doubt, one reason why the authorities announced in April 1985 the adoption of the country's first nationwide identity card system. This plan is being implemented nationwide and is expected to be completed in 1989. According to Chinese press reports, police are empowered to check ID cards and take information from them. Cards must be presented among other things to transact most business in banks and post offices, to buy airplane tickets, or book a hotel room. Residents of Hainan province and the 4 special economic zones are being issued specially color-coded ID cards, a step to assist in controlling unauthorized migration to those areas.

Chinese citizens may not freely change their locality of residence or workplace. They are registered as residents of a particular jurisdiction. The authorities normally grant permission to move to another locality only for a change in employment. Rigid personnel policies, most notably the unwillingness of work units to sanction an employee's transfer, make it difficult to change jobs. However, the widening application of the labor contract system and accompanying pension reforms will likely increase labor mobility.

Contracts generally run for 3 to 5 years, after which either party may decide not to renew. This will not immediately affect workers employed before October 1, 1986, who will continue to enjoy lifetime employment without a stipulated right to change jobs. The authorities have called for and have taken steps towards reform of the personnel system, aiming at greater mobility among scientists, technicians, and certain other professionals.

Significant numbers of farmers are moving into small and medium-sized cities. Policies discouraging rural migration to large cities continue, but large numbers of unregistered people continue to move to and reside in China's biggest cities, with estimates of as many as 1 million in Shanghai and 700,000 in Beijing.

With the relaxation of controls on foreign travel and emigration since the late 1970's, tens of thousands of Chinese now go overseas every year to study, conduct business, or visit relatives. In November 1985, the Standing Committee of the NPC passed the "Citizens Exit and Entry Control Law," which went into effect February 1, 1986. The law provides for exit for personal reasons and denies exit to those involved in criminal

or civil cases or those whose exit may harm China's national security interests. In October 1988, noted Chinese astrophysicist Fang Lizhi was refused permission to participate in scientific conferences in the United States. Fang has been accused of criticizing the Chinese leadership during foreign visits.

China relaxed restrictions on internal travel by foreigners by increasing the number of areas open to foreign visitors without special permission. Over 500 cities and other areas are now open to foreigners, up from 474 cities a year ago. Still, large portions of China remain officially closed. Chinese officials state that Lhasa is open, but travel by individual tourists, journalists, and others remains restricted.

China does not revoke the citizenship of political dissidents and is not known to have exiled any dissidents (although as noted in Section 1.d., a form of internal exile is practiced). The authorities have welcomed the return of Chinese who had fled their homeland earlier, the vast majority of whom are either residents of Hong Kong and Macau or "overseas" Chinese, including some former refugees.

More than 280,000 refugees and displaced persons from Vietnam and Laos have resettled in China since 1978, most of them ethnic Chinese or persons married to ethnic Chinese. Ethnic Vietnamese refugees in China, now numbering less than a hundred, are housed in Fancheng Camp in the Guangxi autonomous region. Especially because of the current state of relations between Vietnam and China, these refugees, who do not in any case wish to remain in China, have had few opportunities for jobs or education. The Chinese Government is also clearly not inclined to have these refugees resettled in China. Given the anomalous situation of these refugees, the United Nations High Commissioner for Refugees (UNHCR) was attempting as of September 1988 to resettle these refugees in third countries.

As of the end of November, there were no reports during the previous 12 months of the Government forcibly repatriating persons of any nationality who claimed refugee status, according to the UNHCR.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability peacefully and legally to change government leadership or the Marxist-Leninist system of government. The Chinese political leadership is chosen by the CCP, which is the paramount source of political authority in the country. Within the party, a group of top leaders in several key organizations, including the Politburo, its five-member Standing Committee, and the Military Commission, share power.

Under the doctrine of "democratic centralism," leaders at the top, after consultation within the party, make policy decisions which all party members and citizens are expected to support. Political debate and disagreement usually take place only before a decision is made. Once announced, all are expected to follow the party line. Nevertheless, there are means by which party members and others may debate established policies. These include the presentation of alternate points of view or criticism in the party-controlled press, the use of academic journals to present differing interpretations of supposedly theoretical matters, selective enforcement of policies,

exploitation of policy ambiguities, manipulation of news coverage, and informal and unpublicized debate at party and government meetings.

Student demonstrations in December 1986 and January 1987 in several Chinese cities, including Beijing, Shanghai, Nanjing, and Tianjin, called for greater democracy, including more participation in local elections, multicandidate slates, and open discussion of political development through wall posters and in the media. The Government response to demonstrations, participated in by upwards of 50,000 students, was more restrained than in previous years.

The ensuing ideological chill was accompanied by party disciplinary action against intellectuals as part of the antibourgeois liberalization campaign, which included expulsion from jobs or the party, some detentions and abuse while in custody, and some formal arrests and convictions. In the late summer of 1987 in the period leading up to the 13th Party Congress, the chill gave way to a relaxation in the political environment. This overall relaxation continued in 1988.

During his opening speech to the Congress, then Acting Party General Secretary Zhao Ziyang said that it is "necessary to respect the will of the voters and ensure that they have more options in elections." He also said that the long-term guiding principles for China include building "democracy" on the basis of stability and unity.

The NPC meets once a year for about 2 weeks to debate and approve government policies and personnel changes determined in advance by the CCP. The NPC rarely rejects proposed government policies, although some have been modified as a result of delegates' concerns. A noteworthy example occurred during the seventh NPC, when the Government submitted a plan for the large-scale reorganization of ministries and commissions under the State Council. The nightly television news during the NPC session showed delegates openly debating this proposal. The plan emerged from the NPC with significant revisions.

The Standing Committee of the Politburo meets approximately every 2 months and has the power to approve laws. In 1986 the Standing Committee twice declined to pass a draft bankruptcy law proposed by the State Council, despite amendments and a last minute plea by supporters for its adoption. This refusal to act occasioned unusual, though brief, press mention of the names of persons on each side of the debate. The law, in modified form, eventually passed toward the end of the year. Similar, though less publicized, cases have also occurred.

Women have scored few breakthroughs in the male-dominated political establishment. In late 1988, none of the 17 members of the Politburo was female. Of the 175 members of the CCP Central Committee, 10 were women. Two women served among the 41 ministers and commission directors in the Government. Of government cadres, 28.5 percent were women. One woman served as a provincial governor. No women served as provincial party secretaries. Of the delegates to the 13th Party Congress in October 1987, 14.9 percent were women.

CHINA

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Given the Government's policy of repressing dissent, there are no known specialized organizations within China which monitor or comment on human rights conditions. Several legal journals do, however, discuss questions having to do with the rights of the accused, of convicted prisoners, and other litigants. The Chinese regard their human rights record as an internal matter and generally concede no justification for foreign concern about it. The Government has not responded to an International Committee of the Red Cross (ICRC) request, made earlier this year, to visit Chinese prisons, including those in Tibet.

In the past, Chinese authorities generally did not respond even to factual questions on particular cases, such as imprisoned Catholic priests. In October 1986, however, officials did provide information in answer to a U.S. Embassy inquiry regarding certain priests and others thought to be "political prisoners", and an official spokesman responded in late 1987 to a press inquiry concerning an alleged Tibetan prisoner of conscience.

Chinese officials have been willing to meet with U.S. officials and members of professional groups to discuss birth control policies, have provided increasing amounts of statistical data, and have facilitated visits to localities for further discussions.

The Chinese have generally reacted defensively, with some exceptions, to foreign attempts to learn and see what has been happening in Tibet since the 1987 demonstrations. In October 1987, shortly after the first series of demonstrations, TAR authorities expelled Western journalists from Tibet. At present, the TAR is avowedly "open" for media visits, as long as journalists abide by regulations for the foreign press, but it has approved few visits by foreign reporters.

TAR authorities invited a number of journalists to cover the February/March prayer festival in Lhasa. Australian journalists were permitted to accompany then Foreign Minister Hayden, reportedly on condition that they not file stories from Lhasa. United States and British media representatives accompanied a U.S. Senate delegation on an August trip to Lhasa. A Cable News Network (CNN) reporter travelled to Tibet in mid-September. Some reporters have gone to Tibet as tourists, but TAR officials have warned them not to engage in activities incompatible with their status as tourists.

Chinese officials also reduced the number of Western tourists visiting Tibet by restricting access to those who were part of tour groups. On the other hand, they arranged visits to Lhasa for West German Chancellor Helmut Kohl, then Australian Foreign Minister Bill Hayden, a group of U.S. Representatives, Senators, and congressional staff members. This is the first time such visits and discussions of human rights situation with TAR officials have been permitted. Other Members of Congress and congressional staff seeking to examine the human rights situation in Tibet have been denied visas, however. The U.S. Ambassador to China travelled to Lhasa in August and raised human rights and access issues with officials, including the Chairman of the TAR.

CHINA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution endorses the principle that all citizens are equal. In fact, discrimination based on sex, religion, and race persists. In the socioeconomic realm as in politics, women lag behind men despite progress in recent years. Female participation in the labor force has increased rapidly in the last few years, reaching 43.7 percent of the total work force in 1986, compared to 7.5 percent in 1950 and 36.4 percent in 1984. Women now account for almost 37 percent of the urban work force, but women are still concentrated in the lower paying and less prestigious jobs.

Although growth rates for the number of women in state positions, including scientific, engineering, and technical fields, appear to have been higher for women than men since 1978, problems persist. Some commentators suggest that the reason for discriminatory treatment is that women are more expensive, but less productive, employees, and that a more "realistic" approach to women's liberation would encourage many working women to resume traditional roles of mother and housewife. At the end of 1987, 61.5 percent of youth "waiting for jobs" (i.e., unemployed) were women, up 1.3 percent from the previous year. In rural areas, where most women participate in agricultural production, underemployment is a serious problem.

Regarding women's education, a 1986 survey of 8,000 large and medium-sized enterprises showed that of 6 million women workers, 4.5 percent had university educations, 82.1 percent had graduated from middle school, 12.2 percent had primary school educations, and 1.2 percent were illiterate. In the July 1987 college entrance examinations, there were 1,414,000 male participants and 861,000 female participants. Currently, approximately 28 percent of the students in universities across China are female. Of the 200 million illiterates in China, 70 percent are reportedly women.

The party has taken a more liberal approach to minority policy since 1980. Minorities benefit from special treatment in marriage and family planning, employment, and university admission. Most of China's ethnic minorities live in areas they have traditionally inhabited. The standards of living of the vast majority of these minorities in China remain substantially below that of most Han Chinese areas. These areas are now governed by the "Law on Regional Autonomy for Minorities" which went into effect in 1984. This law, like the Constitution, provides that government heads of autonomous regions, prefectures, or counties must be members of the locally prevalent minority. Although vague on the implementation of rights to political autonomy for minority areas, the law clearly sets forth rights to preserve and develop local minorities' cultural traditions, use local minorities' languages, and practice local minorities' religion within the autonomous areas.

CCP avowed policy is to increase minority representation in the Government and party in minority areas to levels reflecting the minority's share of the population, and to assign senior positions to minority persons. Nevertheless, minorities, effectively shut out from all but a few leadership positions in the Government and party, complain of discrimination by the Han majority, and key decisionmakers in most autonomous regions continue to be Han Chinese.

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Reports from Urumqi indicate that students of the Uighur minority participated in a small demonstration in the spring of 1988. Incidents in Lhasa were only the most recent venting of intensely felt alienation by the distinctive and devoutly religious Tibetan people. A large proportion of the Tibetan population resents the economic and political dominance and military presence of the Han Chinese. According to official Chinese figures, Han Chinese constitute about 3 percent of the population in the Tibetan Autonomous Region (excluding the military), yet 40 percent of all government cadre, 40 percent of regional department heads, 38 percent of university students, and 60 percent of factory managers are Han. The authorities have declared that the liberalization of political, economic, and social policies toward Tibet which has been under way since 1980 will continue despite recent protests, some of which involved rockthrowing and arson by demonstrators.

Many Tibetans in China still hope for the return of the Dalai Lama, but there remains a wide gap between the Dalai Lama and Beijing as to the conditions under which his return might be effected. The Chinese Government and the Dalai Lama have both offered to have their respective representatives resume discussions under certain conditions.

In recent years, the Government has relaxed travel restrictions, allowing thousands of Tibetans to go to India to see the Dalai Lama and hundreds of exiles to return home to visit. The Government's declared policy aims at the steady incorporation of all minorities, including Tibetans, into the mainstream of China's political, economic, and social institutions. In the case of Tibet, this policy is motivated in political terms by a desire to strengthen social stability in a large, sensitive border region with a long history of de facto autonomy.

Throughout 1988, as earlier, Beijing made it clear that it will not tolerate a Tibetan independence movement. The easing of restrictions begun by the PRC in Tibet in 1980 remains official policy, but PRC concern over public order and national unity has given priority to law enforcement and repression of dissent in the last 15 months.

Section 6 Worker Rights

a. The Right of Association

China's trade unions are closely controlled by the CCP. The All-China Federation of Trade Unions (ACFTU) has for the past 2 years been engaged in drafting a new trade union law which will redefine the role of trade unions in China. Simultaneously, the Ministry of Labor and other government agencies have been drafting a comprehensive labor law. In the workplace, virtually all state-sector workers, and about 75 percent of all urban sector workers, belong to branches of the ACFTU.

Although not formally compulsory, membership in the ACFTU is an expected part of life in urban work units. The union's primary function is to promote labor discipline, enhance labor productivity, conduct political and ideological indoctrination, and improve workers' educational and technical skills. Unions

also perform a variety of social and welfare functions such as handling pensions and disability benefits, and operating clubs, eating facilities, nurseries, schools, and sanatoriums.

Chinese workers are not assured the right to strike. Strikes are viewed by higher authorities as justified only as temporary responses to problems such as sudden deteriorations in safety conditions. During the first half of 1988, there were 49 officially reported strikes--19 in the first quarter, and 30 in the second. These actions received official attention because they could not be resolved within the work unit. In addition, informal work stoppages and slowdowns to express worker discontent are not uncommon and are apparently tolerated for brief periods as long as vital services and national security industries are not affected. Although there are no formal regulations regarding strikes in special economic zones, it appears that the authorities are more tolerant of strikes in the zones than in the rest of the country.

The ACFTU claims to have contacts with trade unions in over 120 countries or regions, and the federation has stated its desire to establish links with foreign unions regardless of any affiliation with the International Confederation of Free Trade Unions, the Soviet-dominated World Federation of Trade Unions, or other organizations. Since China joined the International Labor Organization (ILO) in 1983, an ACFTU official has served as China's worker delegate to that body.

b. The Right to Organize and Bargain Collectively

Under the labor contract system, which was instituted in 1986 and now covers over 7 million workers, individual workers are permitted to negotiate with management over some contract terms, particularly the length of the employment contract. In practice, it is mostly only university graduates who are able to choose from among several offers and negotiate effectively on salary and fringe benefits.

The Government does not permit collective bargaining. In addition, worker congresses were established in 1981 in most large and medium-sized enterprises. Congresses convene at least once or twice yearly. Initially confined largely to overseeing social welfare issues, the congresses have recently begun to fulfill the role originally intended for them as a sort of cabinet of advisors for the enterprise manager.

China's law on state-owned industrial enterprises, passed by the NPC in April 1988, codifies the makeup and function of the congresses and directs the enterprise manager to consult the congress on all important decisions affecting the economic life of the enterprise or any worker benefits. Through their representatives, workers are thus theoretically able to exert an indirect influence on decisions which affect their economic well-being and the conditions of their employment.

Labor laws and regulations appear to be enforced uniformly throughout the country except, as noted in Section 1.a. above, there appears to be more government tolerance toward strikes in the special economic zones.

c. Prohibition of Forced or Compulsory Labor

China is still considering ratification of ILO Convention 105 on forced labor. China's longstanding practice is that "reform through labor" or "education through labor" entails compulsory

labor. Prison and labor reform camps are expected to be partially self-supporting. There are no credible reports of forced labor outside of prison and labor reform camp settings.

d. Minimum Age for Employment of Children

In mid-July the Ministry of Labor announced that, in cooperation with other government agencies, it was drafting a circular to curb an increasingly serious child labor problem. Growing reports of sweatshop-like enterprises exploiting child labor in rural areas and the Shenzhen Special Economic Zone likely spurred this decision. The regulations embodied in the circular were promulgated in November and imposed severe fines, loss of business licenses, or jail for offenders. Regulations promulgated in late 1987 also prohibit any organization or individual from employing school-age minors who have not completed the compulsory 9 years of education.

e. Acceptable Conditions of Work

There is no minimum wage. The Government claims that it cares for the poorest through allocation of subsidies. Conditions of work vary widely. In some poorer areas, even hard labor returns only a meager living, with subsidies crucial for survival. Subsidies, bonuses, and payments in kind are nearly universal in nonagricultural employment, making up as much as 40 percent of a person's total income.

In the workplace, occupational health and safety are constant themes of posters and campaigns, but progress in this area has depended to a considerable extent on the construction of more modern plants and equipment with built-in safety features. Large factories built in the 1950's with Soviet help tend to be noisy, dirty, and dangerous. Renovated plants and those constructed more recently and modeled on Japanese, American, and West European prototypes have incorporated many safety features into the basic design. Persistently low safety consciousness among workers and the impetus for greater labor productivity have impeded greater government attention to safety standards.

Safety issues have figured prominently in formal programs covering nuclear power, mine safety, rail development, and civil aviation. Every production unit of any size must designate a health and safety officer; the ILO has established a training program for these officials. State procurators deal annually with thousands of negligence and accident cases involving criminal or civil liability.

The Labor Ministry and other organs of government are now mounting a vigorous drive to create nationwide social security and unemployment systems to replace the piecemeal, work unit-based programs now in place. Bilateral contacts and training programs in these areas are expanding rapidly, particularly with the Social Security Administration and the Department of Labor.

The normal and maximum workweek is still 48 hours, despite proposals to reduce it to 40 hours. Some work time is spent in political study or education-indoctrination on current social issues.

TAIWAN

Taiwan's polity, long dominated by the Nationalist Party (KMT) in an essentially one-party authoritarian system, is in a transitional stage to a more pluralistic system. The Legislative Yuan (the Parliament) has become more important, and legislators of all parties are now more outspoken. Nevertheless, Taiwan's central parliamentary bodies remain constituted under a representational formula which assures continued KMT control. Recognizing that changes are necessary, the authorities have initiated a process designed eventually to lead to more truly representative elected bodies. The KMT, although it has become less authoritarian, remains firmly in control of the political process.

Demographically, native Taiwanese, descendants of Chinese who emigrated from the mainland primarily in the 17th and 18th centuries, constitute more than 80 percent of the population. The recruitment of increasing numbers of these Taiwanese to fill important positions has eased criticsm of mainlander domination of the Government and the KMT.

With the lifting of martial law in 1987, the role of Taiwan's military in domestic affairs has been appreciably reduced, although military police are still called up from time to time to help control demonstrations. A small number of demonstrations in 1988 led to violent confrontations with the police.

Taiwan's economy continued to perform well. Per capita income grew at an average rate of 6 percent between 1982 to 1987, and for 1988 it was expected to reach approximately $6,000. While fundamentally a free market economy, major sectors such as finance, steel, shipbuilding, utilities, transportation, and petrochemicals have traditionally been dominated by state-run enterprises. The trend, however, is toward greater economic liberalization. The authorities are seeking to sell to the private sector a number of state concerns--notably banking, steel, and petrochemical enterprises--over the next 4 years.

The human rights situation continued to improve in many areas in the wake of extensive reforms begun 2 years ago. Positive developments included a lively print media, a more representative KMT, more freedom for people to assemble peacefully, the inception of genuine multiparty politics, easing of restrictions on the return of overseas critics, and the release of political prisoners. However, despite these improvements, important restrictions remain in a number of areas, including freedom of speech and press, freedom of association, freedom of movement, and the ability of citizens to choose their government in a fair electoral system. Additionally, there remains widespread concern that police and prison personnel utilized brutality in the questioning and detention of suspects in connection with a major demonstration by farmers. The failure of the authorities to investigate charges of police brutality and the perception of the selective enforcement of laws continue to raise concern as to the impartiality of the legal system.

TAIWAN

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of killings for political reasons.

b. Disappearance

There were no reports of persons being abducted or secretly arrested by the authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Taiwan law specifically prohibits the use of torture. However, members of the police or security forces have resorted at times to physical violence in arresting or interrogating suspects. Many of the persons arrested during a violent confrontation between demonstrators and police at a farmers' demonstration on May 20 claimed to have been beaten while being arrested or in custody. Defendants claimed to have been coerced by the use or threat of torture into signing confessions. Despite numerous charges of police brutality, improper arrest procedures, and even bribery of a key witness, irregularities which appeared well documented by the defense in the subsequent trial, the authorities did not investigate these charges. In another major incident, prisoners convicted of instigating a November 1987 prison riot at the Green Island detention facility testified during their July 1988 trial that Taiwan garrison command investigators mistreated suspects by beating them, denying them food, and handcuffing them for long periods.

In 1987 and 1988, 12 deaths among prisoners were questioned by Taiwan human rights groups. Incidents occurred in prisons and detention centers under the jurisdiction of both civil and military authorities. In one instance, eight prison guards were convicted in July for torturing to death a Taitung detention center prisoner. They received sentences ranging from 10 months to 4 years. During a prison riot in a Green Island military detention facility in November 1987, eight inmates died. Military authorities maintain that the men succumbed when their locked cell caught fire. Other inmates, however, claimed riot police shot the men and later burned the bodies to conceal the real cause of death. Families and attorneys of the deceased inmates have also raised questions over the circumstances of the deaths, but no autopsies were performed, and civil authorities refused requests to investigate the incident further.

Concerned over the mistreatment of suspects during police interrogations, the Chinese Association for Human Rights initiated an experimental program in which lawyers will be present to monitor police questioning at one police station. The Association hopes to expand this program to other police stations in the future.

d. Arbitrary Arrest, Detention, or Exile

Police may legally arrest without a warrant anyone they suspect of committing a crime for which the punishment would be 5 years or more in prison and may call in suspects or

witnesses for questioning without a formal summons. Critics in the legal establishment, the press, and the legislature point out that these procedures sometimes lead to abuses. Suspects called in for questioning by the police are sometimes arrested without a warrant after questioning.

Taiwan law requires that, within 24 hours after an arrest, the arresting authorities must give notice in writing to the arrested person and his designated relative or friend, stating the reason for the arrest or detention. The Code of Criminal Procedure specifies that the authorities may detain an accused person for up to 2 months during the investigative phase prior to the filing of a formal indictment, and for up to 3 months during the trial. Furthermore, during the investigative phase, the prosecuting officer may apply to the court for one extension of 2 months. The period of detention may also be extended during the trial. In recent cases, the authorities generally have followed these procedures and extended the periods of detention. Persons indicted for relatively minor criminal offenses can be released on bail at the judge's discretion.

Suspects are guaranteed the right to have a lawyer present during the investigative phase. The Taipei Bar Association has complained, however, that defense lawyers are sometimes barred by prosecutors from visiting their clients during this phase and that suspects often are not advised of their right to have legal representation during police interrogation.

In July 1985, the Legislative Yuan passed the "antihoodlum" law, which accords police authorities broad powers, including the power to determine whether a person should be designated as a hoodlum. The civil courts confirm or deny police requests to remand alleged hoodlums for reformatory education. Reformatory education was under the exclusive jurisdiction of the military. However, the military is in the process of transferring inmates undergoing reformatory education from military to civilian detention facilities. Some inmates are still being held in military facilities because of overcrowding in civilian institutions. The duration of reformatory education may range from 1 to 5 years. The responsibility for setting the duration of reformatory education rests with the military in the case of persons still held in military detention facilities and with the Ministry of Justice for those held in civilian facilities. The law does not authorize the courts to determine the length of such education. Alleged hoodlums can be held incommunicado without legal representation, and their families need not be notified of their arrests.

Similarly, a 1984 executive decree permits the jailing of persons suspected of criminal activity; unlike the 1985 law, the 1984 decree did not set time limits on the period of incarceration for those arrested. Many prisoners arrested and jailed under the provisions of the 1984 decree are still imprisoned with no determinate sentence. The Taiwan authorities reported that approximately 1,300 prisoners remained incarcerated at the end of 1988 under the 1985 antihoodlum law and the 1984 decree. They were originally held in military jails, but after the outbreak of protests and rioting in late 1987, the Ministry of Justice transferred these inmates to civilian prisons.

Many minor crimes on Taiwan are handled under a statute which empowers the police not only to arrest but also to prosecute,

convict, and punish offenders. The provisions of the statute empower the police to impose and carry out sentences of up to 2 weeks' imprisonment. Despite the 1980 opinion of the Council of Grand Justices (theoretically empowered to decide constitutional issues) that the statute is unconstitutional, it continues to be widely used. Under these legal provisions, the authorities reportedly imprisoned some 4,000 people during the anticrime sweep in November, 1984. Press reports indicate that 2,000 still remain in custody, and in late 1988 the authorities announced plans for a second sweep, using the antihoodlum law and executive decree described above.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Taiwan's legal system is based on European and Japanese models and does not provide for trial by jury. Informed observers characterize the judiciary as not fully independent and susceptible to pressure from the authorities, on whom judges depend for desirable assignments and career advancement.

In 1988 the courts tried a number of political activists on charges ranging from sedition to interfering with official duties. In one prominent case, the Supreme Court remanded a lower court conviction for retrial on technical grounds. The authorities have taken limited steps to strengthen the independence of the judiciary. Nevertheless, both the opposition and some independent observers continue to raise doubts about the selective application of the law and impartiality of the judiciary in cases involving political activists.

Since the lifting of martial law on July 15, 1987, civilians may no longer be tried in military courts. Trials are public, but attendance at trials involving juveniles or persons considered politically sensitive may require permission from the court. Defendants have a right to an attorney, at public expense if necessary.

In a typical court case, parties and witnesses are interrogated by a single judge but not by a lawyer or prosecutor. The judge may decline to hear witnesses or to consider evidence a party wishes to submit. Civil and criminal law specifically provide the defendant with protection from self-incrimination.

Court cases generally are heard in several brief court sessions, often separated by weeks or months. Persons convicted in cases where the sentence exceeds 3 years have a right to review by the Supreme Court. The Supreme Court limits its review to the law of the case and to specific procedural aspects. The new National Security Law stipulates, contrary to provisions in the original martial law decrees, that convictions under martial law cannot be appealed in the postmartial law period.

Prosecutors are allowed to apply for reassignment to positions as judges and vice versa, with the approval of a special committee composed of Judicial and Executive Yuan representatives. They are not allowed to switch roles during an ongoing court proceeding. Nevertheless, attorneys complain that this practice weakens the independence of the judiciary. The authorities now, however, rarely approve such exchanges.

In addition, judicial decisions must be approved by higher court authorities before they are pronounced. Observers of the court system say this dilutes the authority of judges and tempts outside interference with the judicial process. In 1987 a review of judicial procedures initiated by the authorities proposed abolishing this latter practice; however, the proposal has not yet been implemented.

The authorities deny holding political prisoners. Taiwan and international human rights groups, however, have estimated that there are approximately 20 political prisoners still behind bars. This figure is down from some 90 to 100 political prisoners held in 1986. In 1987 and 1988, the authorities granted early releases to most political prisoners. Of the 8 persons convicted by military courts of sedition in 1980 for their role in the 1979 Kaohsiung Human Rights Day Rally, all but one have been released.

Although civilians can no longer be tried by military courts for sedition, it remains a crime subject to normal civilian criminal procedures. It has been interpreted to include expressing Communist sympathy, espousing views contrary to the authorities' claim to represent all of China, and supporting an independent legal status for Taiwan. Opponents of the regime claim that Taiwan's sedition laws are being selectively enforced. They point out that despite the sedition convictions of two oppositionists who advocated Taiwan's independence, the authorities have not taken legal action against KMT members who have publicly advocated economic aid for the People's Republic of China (PRC) or supported Tibetan separatism. For further discussion of Taiwan's sedition laws, see Section 2.a. below.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While the daily life of the average Taiwan resident is subject only to minor interference by the authorities, oppositionists do experience invasion of privacy. The authorities do not interfere with basic family matters such as the right to marry or have children as one chooses. Membership in the KMT, the dominant political organization, is technically a matter of free choice, but party membership is considered an unwritten requirement to get ahead in the military, the government, and academia.

Physical invasion of the home without a warrant, while not common, does occur. As noted in Section 1.d., the Code of Criminal Procedure generally requires that searches be authorized by warrants, signed by a prosecutor or, during a trial, by a judge. However, exceptions to this rule increased substantially following the July 1982 revision of the Code to provide for warrantless arrests under certain circumstances. When making such arrests, police also may search persons or property without prior authorization. Other types of invasions of privacy, such as the monitoring of telephone calls, are believed to occur without legal safeguards. The authorities deny monitoring telephone conversations. In July 1982, the authorities instituted "selective postal checks" to intercept parcel bombs and correspondence from the PRC, although since the spring of 1988 mail from the PRC has been delivered regularly to Taiwan addressees.

TAIWAN

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are provided for in the Constitution, but statutory restrictions significantly limit these rights.

Security authorities monitor political expression, both in Taiwan and overseas. Under Taiwan law, people may not oppose the regime's basic political policy of anticommunism or its claim to sovereignty over all of China. Those speaking favorably of communism or the PRC, or who question the legitimacy of Taiwan authorities by suggesting support for "Taiwan independence," risk being charged with sedition. While many public speeches and articles favoring independence have gone unpunished, the threat of punishment remains real. Two leaders of a political prisoners' association, Tsai Yu-chuan and Hsu Tsao-teh, for example, were convicted on sedition charges in 1988 and sentenced to serve terms of 11 years and 7 years, respectively; the Supreme Court subsequently reduced Tsai's sentence to 7 years and 4 months and Hsu's sentence to 3 years and 4 months. Their imprisonment has been highly controversial. Oppositionists and human rights groups in Taiwan and abroad see the case as an example of the authorities' continued infringement on the right to free speech in Taiwan.

The previous limitation on newspaper licenses to 31 was lifted in January. Newspapers were also allowed to increase the number of pages beyond the previous maximum of 12. As a result, whereas nearly all newspapers before 1988 were owned by the authorities, the KMT, or senior KMT party leaders, last year saw an increase in the number of independently owned newspapers. Total licenses issued in 1988 topped 90, with over 60 newspapers in actual publication--many outside the control of the ruling party.

Censorship of publications may be carried out through provisions of the Publications Law, which empowers the police to seize or ban printed material that commits or instigates others to "commit sedition, treason, offenses of interference with the lawful exercise of public functions or against public order." In the past, this covered a wide range of topics, including articles that discussed possible leadership changes, questioned the legitimacy of KMT rule, criticized Taiwan's foreign policy, or merely revealed behind-the-scenes news that was potentially embarrassing to the leadership. Since the lifting of martial law, however, publication bans have fallen off dramatically. Whereas virtually every issue of opposition magazines was banned and forced underground in 1986, only one ban occurred since the lifting of martial law and none during 1988. While the authorities' monitoring of newstand publications continues, in practice outright censorship of newspapers and magazines appears to have ended.

Daily newspapers remain under control, however, and this control is often exercised indirectly, through guidance from the Government Information Office and the KMT. Nonetheless, the sometimes freewheeling print media have substantially expanded their coverage of sensitive subjects, such as news from the PRC and opposition activities and views. However, the authorities have at times threatened strong action when coverage of sensitive events displeased them, as in the case of two Taiwan reporters who defied the ban on travel to the

mainland to report openly on the situation there in 1987. Upon their return to Taiwan, the authorities moved to prosecute one of the reporters and the newspaper's director. Although both defendants were acquitted, prosecutors appealed the case to a higher court, which in September upheld the lower court ruling.

The authorities have also loosened restrictions on mainland publications. On August 27, 1987, the Government Information Office announced the formation of screening committees to consider applications for reprinting mainland publications in Taiwan. The use of the mainland system of simplified Chinese characters, however, remains prohibited in Taiwan.

Television and radio remain tightly controlled by the authorities. The authorities partially or wholly own all three of the island's television stations. Television coverage of sensitive political subjects is restricted and slanted. Oppositionists charge that the military and the governing authorities control or own 82 of the radio stations in Taiwan. Requests by opposition politicians to open their own radio station have been turned down by the authorities, who claim there are no frequencies available. The authorities still attempt to jam PRC radio broadcasts. However, because PRC stations broadcast on a wide range of frequencies, it is nearly always possible to tune in PRC transmissions.

Before the lifting of martial law, foreign publications also were subject to censorship. Occasionally, pages carrying articles offensive to the authorities were removed or altered before distribution. There now appears to be less official interference with the free flow of international news, particularly regarding Taiwan and the PRC.

University campus publications can be and are censored by school administrators under provisions of the University Law. Students have protested punishments, ranging from demerit points to expulsion, for being too outspoken on certain issues. The same restrictions apply to teachers, and there have been reports of pressures placed on teachers and even dismissals because of extracurricular political activities.

Since 1986 the security forces have classified facsimile transmission (FAX) machines as restricted telecommunication equipment. As such, the sale or importation of FAX machines has required a license. This restriction was loosened somewhat in late 1988. The authorities still control the use of computer modems through licensing. The previous ban on satellite television receivers was liberalized somewhat in November. Receivers may now be purchased freely and installed, but only small dish antennas (capable only of receiving programming from Japan) may be used.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is provided for in the Constitution. However, until martial law ended on July 15, 1987, public assembly for political purposes (except during election periods) was legally circumscribed. In late 1987, the Legislative Yuan passed the Assembly and March Law which allows the staging of peaceful demonstrations. Such demonstrations must be approved by the authorities and may not be held near a number of government and military sites. The Law also prohibits any demonstration which violates the Constitution or advocates communism or Taiwan's separation

from China. The Democratic Progressive Party (DPP) and other opposition groups have organized and carried out numerous demonstrations under the new law. (For information about the DPP, see Section 3.) Permission to stage these demonstrations almost always has been granted routinely. However, oppositionists, in view of the recent noticeable rise in politically related legal actions against them, have expressed concern that the law would be used as a legal pretext to crack down on them. Student political activities are sharply restricted by current law and are closely monitored by school and security authorities, although the authorities tolerated two island-wide student political organizations which were formed in 1987.

The 1983 Election and Recall law prohibits holding campaign rallies in any form prior to the "authorized period", a period of about 2 weeks before balloting. During the first half of the authorized campaign period, all candidates are allowed to hold individual rallies, although these are closely monitored by the authorities. During the second half, campaigning has been limited to highly structured, officially sponsored rallies in which both KMT and opposition candidates participate. The Law also permits joint rallies of two or more candidates only at these officially sponsored rallies. Opposition politicians have been sharply and openly critical of these measures, claiming they hinder their ability to reach the electorate. Nevertheless, oppositionists have been able to hold numerous rallies, demonstrations, and lectures outside of the authorized campaign period without official sanction.

Nonelection year political rallies have also been held frequently in the past. Whereas the authorities had previously attempted to discourage open-air rallies, it appears that since 1986 this restriction has been eased. During 1988 opposition politicians held numerous rallies throughout the island without interference from the authorities.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom to practice religion. This provision is generally observed in practice. Most Taiwan inhabitants adhere to Confucianism, Taoism, Buddhism, animism, or a combination of these beliefs. Other religions include Christianity and Islam. There is no established or favored religion.

While generally respecting the right to practice religion, the authorities have brought pressure to bear against religious organizations they consider to be involved in unacceptable political activity. The Presbyterian Church in Taiwan, whose membership of approximately 210,000 is predominantly native Taiwanese, has been a prime target. Many church members are actively involved in opposition politics. In early 1987, copies of the church's weekly newspaper were confiscated and destroyed--though subsequently reprinted and returned--because of an article the authorities considered to be politically sensitive. In 1988, however, there were no reports of harassment against the church.

Presbyterian church leaders in self-exile abroad, who had been denied entry into Taiwan for many years, were permitted to

return in 1987. After their return, the authorities allowed them to see whomever they wanted and did not interfere in their travels. They even met with high-ranking KMT officials to voice encouragement and support for the ruling party's continued democratization of Taiwan.

The authorities have been involved since 1980 in a dispute with a denomination called the New Testament Church over the right of church members to settle on a tract of leased public land near Kaohsiung, in southern Taiwan. The conflict had led to physical evictions from the tract, with destruction of church members' homes and crops. Since 1987 the authorities have made several conciliatory moves, including compensation for destroyed crops, access to a mountain these church followers consider sacred, and allowing the listing of the mountain on their identity papers. Church representatives complain, however, that certain members have been denied permission to leave the country and that some foreign church members are unable to visit Taiwan.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the freedom to change residence, but registration of one's residence is required. Except for military and other restricted areas, there is general freedom of internal travel. An exit permit is a requirement for travel abroad. Emigration and private travel abroad have become freer since 1979. Since 1987 the authorities have allowed travel to mainland China to visit relatives. Since 1980 businessmen have been permitted to travel to and do business directly with certain Eastern European countries. In 1988 trade and scholarly delegations to Eastern European countries, including the Soviet Union, have continued.

Exit permits may be refused for a number of reasons. For example, after the last calendar day of the year in which they turn 15 years of age, males may not leave Taiwan until completion of compulsory military service. Permission to leave Taiwan may be delayed or withheld by police denial of an exit permit. Under the implementing regulations of the 1987 National Security Law, however, reasons for refusal must be given, and appeals may be made to a special board. Although in the past outspoken critics have been denied exit permits, in recent years this has become much less of a problem.

The authorities claim to recognize the right of those Chinese who hold Taiwan passports, and who normally reside in Taiwan, to return from abroad. Nonresident citizens are usually issued "overseas Chinese" passports and require visas to travel to Taiwan. The authorities are suspicious of, and will not authorize the entry of, Chinese between the ages of 16 and 75, even those who have long held Taiwan passports, if they have lived in Communist-controlled areas within the preceding 5 years. A special exception has been decreed for mainland residents coming to visit seriously ill close relatives or attend their funerals. The authorities have also announced plans to allow soldiers from Taiwan who were stranded on the mainland during the 1945-49 civil war to return.

Although the authorities deny maintaining a "blacklist" of foreign critics, in 1988 they refused or delayed the processing of a number of visa requests for political reasons. This included applications from Taiwanese-Americans

who sought to attend a conference of the World Federation of Taiwanese Associations in Taipei.

A 1984 law authorizes the authorities to detain or revoke the Taiwan passport of persons whose behavior violates the interests of Taiwan, or endangers security, public order, tradition, or Taiwan's economic interests. Critics of the law state that it gives the authorities the power to revoke the passport of any Taiwan citizen who makes remarks overseas that are deemed inimical to Taiwan's interests. They argue that this violates the right of all citizens to return to their homeland. This law is not used frequently. Increasing numbers of Taiwanese dissidents previously denied reentry are now being permitted to return; however, a number of overseas Taiwanese dissidents still considered "undesirable" by the authorities have been denied return to Taiwan under this legal provision.

Under Taiwan's "Orderly Departure Family Reunification Program," since 1977 more than 5,850 ethnic Chinese from Indochina have been resettled on Taiwan, and more than 3,000 persons who arrived from Indochina by small boats have been granted "temporary" refuge. With the exception of 59 who found sponsors and resettled on Taiwan, all of those arriving by small boats have been resettled in third countries. About 200 are currently awaiting resettlement. The authorities report that there have been no refugee cases from non-Communist areas. They advise that any such instances would be dealt with on a case-by-case basis. Indo-Chinese refugees are not forced to return to their country of origin.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Effective political power still resides with the KMT leadership, which established itself in Taiwan after fleeing the mainland in 1949, and citizens do not have the ability to change their government. Reflecting their claim to be the government of all of China, the authorities maintain not only a provincial and local government system but also an array of central-level political bodies identical to those found on the mainland prior to 1949. The focus of power on Taiwan is the Presidency, the Executive Yuan (Cabinet), the military and security apparatus, and the KMT Central Standing Committee. This power is exercised by a small number of top figures in these organizations, including the President.

Mainlander control of political power, however, has been gradually diminishing as more Taiwanese have taken over important leadership jobs. After the death of President Chiang Ching-kuo in January, Taiwanese Lee Teng-hui's accession to the presidency and the KMT chairmanship was popularly acclaimed as an important milestone in this process. The number of Taiwanese in the Cabinet and the Central Standing Committee also has been increasing. For the first time, native Taiwanese in 1988 comprised a majority in these bodies. Five of the 8 ministers and 16 of the 31 KMT Central Standing Committee members are Taiwanese. As a result of these changes, Taiwan's top decisionmakers are gradually becoming more representative of and more responsive to their constituents. Nonetheless, the system still remains largely closed to those who do not support and are not selected by the KMT.

TAIWAN

The most important elective bodies at the central level are the Legislative Yuan (the Parliament) and the National Assembly, which convenes every 6 years to elect the President and Vice President. There have been no general elections to these two bodies since 1948. Surviving mainland representatives elected in 1948 continue to hold their seats and to form the bulk of these bodies' memberships. Since 1969 periodic "supplementary elections" have been held to choose additional representatives from Taiwan province and the offshore islands. Nevertheless, of the 896 seats of the National Assembly which are currently filled, only 84 are supplemental members. Of the Legislative Yuan's current membership of 302, the elected supplemental legislators number 71 and constitute the most active group, due largely to the advanced age and incapacity of those elected four decades ago on the mainland.

In the face of persistent and growing calls by both opposition and KMT politicians, academicians, journalists, and legal experts for more representative institutions, the KMT has committed itself to rejuvenating the central parliamentary bodies. The authorities have announced plans to increase elected legislative seats to 101 next year and to triple the number of elected National Assembly delegates by 1992. They have also drafted a retirement plan for aging mainlander representatives in an effort to encourage them to step down voluntarily. The authorities, however, have refused to adopt any wholesale measures to end the mandates of those Parliamentarians who were elected on the mainland in the late 1940's, as they believe that to do so would call into question their claim that these bodies represent all of China. Suspicious that the KMT is seeking unfairly to prolong its majority, the DPP is calling for the complete reelection of all central Parliamentarians by the people of Taiwan.

The central authorities appoint the Taiwan provincial Governor and the Mayors of Taipei and Kaohsiung. Elections for the Provincial Assembly and county and other municipal level offices have been held regularly since 1950. Universal suffrage exists for citizens 20 years of age and over. Voting is voluntary and by secret ballot; voter turnout runs over 60 percent.

The KMT continues to be the dominant political party in Taiwan, as has been the case since 1945. Originally composed overwhelmingly of mainlanders, its membership of over 2 million is now more than 70 percent Taiwanese. There are also two minuscule, nominally independent parties which came from the mainland. The KMT's structure and control mechanisms are based on Soviet models; however, the party's operations are considerably more flexible. Party organs exist at all levels of the ruling structure and, up until recently, existed in the military and schools as well. In 1988, however, the KMT began, at least formally, to remove formal party organs from the military and the school systems and to democratize its party structure.

The lifting of martial law removed the ban on new political parties; however, full legalization of new parties awaits a new law which is currently being considered by the Legislative Yuan. In the past, opponents of the KMT ran in elections as independents. In 1986, however, in defiance of martial law still in effect, the opposition announced the formation of the Democratic Progressive Party (DPP) and successfully fielded candidates in that year's legislative election, winning over

20 percent of the vote. In 1987 the KMT initiated a series of meetings with DPP legislators to discuss important postmartial law legislation, thereby according de facto recognition to the new party. In the meantime, other groups have declared or are preparing to declare political parties, hoping to represent constituencies they believe to be overlooked by both the KMT and the DPP. The Labor Party was formed in 1987. By mid-1988, at least five other small parties had announced their formation.

The role of the opposition is greater than its small numbers might indicate. Opposition members are very vocal in elective bodies and frequently use interpellation sessions to raise controversial or sensitive issues. Their activities have spurred tendencies within the ranks of the KMT, particularly among KMT supplemental legislators, to criticize regime policies openly.

Opposition candidates face several disadvantages in the election process. Television, under firm state control, generally ignores opposition campaign activity. Although there is more coverage of opposition elected officials during council or legislative sessions than in the past, television remains a controlled medium to which the opposition has virtually no access. The 1980 Election Law limits the campaign period before an election to 15 days for National Assembly and Legislative Yuan elections and 10 days for local, county, and provincial elections. The law also stipulates who may speak at rallies and under what circumstances. The revised Election and Recall Law, enacted in June 1983, abolished joint rallies and precampaign "get-togethers," campaign tactics favored by the opposition. The Law also placed ceilings on campaign expenditures, political contributions, and the quantity of campaign paraphernalia. The opposition argues that these provisions further reduce its ability to compete with well-financed, well-organized KMT candidates and hinder contact with the electorate. Opposition politicians label as ineffective provisions penalizing candidates for vote-buying and bribery. Further amendments to the election law are now in the discussion stage.

The 1983 revisions of the election law also changed the method of indirect election of members of the Control Yuan (which exercises powers of impeachment, censure, and audit). The opposition charges that the changes were aimed at making it impossible for the opposition to pool their limited votes behind one candidate. One incumbent opposition candidate, however, was reelected in the 1987 Control Yuan election, despite an attempted boycott of the vote by the DPP.

In recent years, women have taken an increasingly active role in local politics and have been successful votegetters. Election regulations ensure that women hold a minimum of 10 percent of elected offices at both the central and local levels. However, very few women occupy positions at the senior levels of the Government or the KMT.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In the past several years, the Taiwan authorities have at times permitted meetings between representatives of international human rights organizations and private persons interested in human rights issues with appropriate officials

and other persons. In 1987 representatives from Amnesty International were allowed to visit and meet freely with whomever they wished to see in examining Taiwan's human rights situation. Similarly, Asia Watch representatives visited Taiwan in 1988 and were allowed to meet freely with concerned individuals and groups. When approached, the authorities have been helpful in arranging calls on officials.

The nongovernmental Chinese Association for Human Rights is devoting more of its efforts to human rights on Taiwan. It has sponsored tours for lawmakers and legal experts to examine Taiwan's crowded prisons and has established a free legal aid service.

In 1984 a group of opposition professionals established the Taiwan Human Rights Association (THRA). Though not formally recognized by the authorities, it has been able to carry out its activities.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Taiwan's only non-Chinese minority group consists of descendants of Malayo-Polynesians who were already established in Taiwan when the first Chinese settlers arrived. These aboriginal people comprise slightly more than 1 percent of Taiwan's total population. There is no official policy of discrimination against them, but the barriers created by de facto cultural and economic discrimination are frequently difficult to surmount; thus aboriginal "mountain people" occupy the bottom rungs of Taiwan's socioeconomic ladder. Specially designated seats in both central and provincial legislative bodies are reserved for representatives, and the authorities have instituted a number of social programs to ease the aborigines' transition into the dominant Chinese society. Aboriginal people nevertheless complain that they are prevented from owning ancestral lands in mountain areas under the control of the authorities. Furthermore, aboriginal people are not allowed to use non-Chinese personal names on legal documents. Some complain of economic exploitation by commercial or tourist concerns. The sale of aboriginal children into prostitution is a serious social problem.

Taiwan's women play an important role in the economy and their contribution to the island's economic transformation has been significant. However, the majority of women still have poorly paying jobs at the low end of the economic scale, generally earning 40 to 50 percent less than men.

Although the law prohibits sex discrimination, the press occasionally carries complaints of cases of discrimination. For example, women have complained of being forced to quit jobs because of age or childbearing restrictions.

Restrictive quotas exist within certain ministries to control the number of women who may be accepted even after passing the rigorous civil service examination. The few laws that discriminate against women relate mostly to divorce issues and inheritance. A revised Civil Code passed by the Legislative Yuan in March 1985 provides for more equal treatment of women in the areas of marriage and divorce.

Enrollment of women over 18 years of age in institutions of higher learning has increased during the past 30 years from 1,750 students in 1953 (0.3 percent of the total number of

students enrolled) to 204,537 students in 1987 (44 percent of total enrollment). A women's rights movement is active and growing.

Although the Taiwanese dialect is the mother tongue of most inhabitants of Taiwan, the authorities forbid its use in the educational system and impose limits on its use in broadcast media. In the past year or two, however, broadcast restrictions have been loosened to allow some Taiwanese programs, including news programs, to be televised.

Section 6 Worker Rights

a. The Right of Association

Labor's right of association is delimited by laws and regulations which require the approval of the authorities to establish unions. Labor unions are free to draw up their own rules and constitutions. These, however, must be submitted to the authorities for review as to whether they are in accord with relevant laws and ordinances. A union may not be officially certified until the authorities have approved these documents. Unions may be dissolved by the authorities if they do not meet legal requirements for their certification or if their activities disturb public order. Civil servants, teachers, defense industry workers, and administrators acting on behalf of employers are prohibited from organizing unions. Public employees particularly guard their political views for fear of jeopardizing job benefits or having promotional opportunities curtailed.

Labor discontent resulted in the KMT's unexpected 1986 election loss of two labor constituency seats. Furthermore, the lifting of martial law in July 1987 allowed workers greater latitude for organized labor activities. As a result, the number of labor disputes has dramatically risen over the last 2 years, causing the authorities to place greater emphasis on resolving these conflicts. A cabinet-level Council for Labor Affairs was created in 1987 to implement and oversee labor laws and policies.

Since the lifting of martial law, past constraints on union organizations appear to be easing to some degree. Whereas previously almost all union leaders were members of the ruling KMT, the ruling party monopoly over the labor movement no longer is assured. DPP and Labor Party organizers have made important inroads into organized labor as Taiwan's workers have grown increasingly restive over salary issues and working conditions. In the last 2 years, company workers have sometimes rejected KMT or management-endorsed union slates. Others have formed "friendship associations" to serve as alternatives to sanctioned KMT-controlled unions.

Due to the lifting of restrictions formerly imposed on labor under martial law and a concern for labor's potential political role, the authorities in 1988 moved to clarify laws regarding workers' right to strike. Revisions to Taiwan's labor disputes law, which became effective in June, recognize labor's right to strike but place serious restrictions on it. Both labor and management are forbidden from taking actions that could disrupt "working order" when either mediation or arbitration is in progress. Stiff penalties may be levied should no-strike/no-retaliation clauses be violated, although the authorities have thus far appeared reluctant to exercise these sanctions fully. Regardless of legal limitations placed

on the right to strike, workers have struck or staged slowdowns with increasing frequency. Workers of different companies are for the first time banding together to establish emergency funds in anticipation of future strikes or lawsuits.

Article 34 of the Labor Union Law permits unions to affiliate with international labor organizations, provided that such affiliation is approved by the union membership and by the authorities. The Chinese Federation of Labor, the only legal union federation on Taiwan, is affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

As of June 1988, 2.07 million workers, or approximately 39 percent of Taiwan's paid employees, belonged to 2,758 unions. Under the Labor Union Law, employers may not refuse employment to, dismiss, or otherwise unfairly treat workers because they are union members. However, there have been occasional reports of antiunion discrimination in several disputes.

Laws governing union activities have equal application within Taiwan's export processing zones.

Collective bargaining is provided for under the Collective Agreements Law but is not mandatory. Only about 280 collective agreements, representing 12 percent of the 2,400 medium and large enterprises in Taiwan, were in effect as of June 1988. The other enterprises have no such agreements. Legal restrictions on the free exercise of the right to strike and provisions for involuntary mediation or arbitration seriously weaken the practice of collective bargaining on Taiwan.

c. Prohibition of Forced or Compulsory Labor

Taiwan does not allow forced or compulsory labor, and there have been no reports of the practice.

d. Minimum Age for Employment of Children

The minimum age for employment is 15, and interaction between the law stipulating this and a compulsory education law effectively keeps the level of child labor to a very low level.

e. Acceptable Conditions of Work

The Taiwan Labor Standards Law, promulgated in 1984, was "enacted to provide a minimum standard for labor conditions, protect workers' rights and interests, and promote social and economic development." About 3.5 million of Taiwan's 5.26 million paid workers, mostly in blue-collar jobs, public utilities, construction, agriculture, transportation, and communications fall under its purview. The law has enjoyed limited success in several areas, and there is a growing sentiment that it should be revised. The authorities plan to extend the coverage of this and other labor laws to protect the rights and interests of other workers.

By law, the workweek is limited to 48 hours (8 hours per day, 6 days per week) with certain provisions for overtime. Taiwan has a legislated basic wage which is currently approximately $282 per month. There is general agreement that the basic minimum wage is less than that needed to assure a decent standard of living; however, the average manufacturing wage is

well over $500 per month. Most large firms provide their employees with allowances for transportation, meals, housing, and other benefits which can amount to another 60 to 80 percent of base salary. There are minimum standards for working conditions and health and safety precautions. Unemployment insurance is being studied and may be offered to a small segment of workers in a pilot program.

Efforts on the part of the authorities to increase workers' awareness of their rights through union education programs and the establishment of complaint channels appear to be bearing fruit, as manifested by an increasing number of legal suits filed against employers by workers.

Despite the establishment of the Council on Labor Affairs, many provisions of labor legislation have not been enforced because the number of inspectors is far too small to ensure regular checks on compliance. There are 190 inspectors for over 200,000 enterprises in Taiwan. Thus far, the Council has concentrated its limited resources on monitoring working conditions and provisions for legally mandated retirement funds in state enterprises and larger private companies. Inspections of small- and medium-sized businesses are infrequent and action is rarely taken unless a worker complains formally to the authorities. Further, since many companies are small, family-owned operations employing relatives who will not report violations, actual adherence to the hours, wage, and safety sections of various labor laws is hard to document and is thought to be minimal.

FIJI

Fiji is a multiracial society with a population of 46 percent indigenous Fijians and 48 percent ethnic Indians. It was a parliamentary democracy until May 1987, when the army took over from a newly elected government. Coup leader Lt. Col. (now Major General) Sitiveni Rabuka cited the predominance of Indians in that government as a primary reason for the coup. Fiji is led by President Rata Sir Penaia Ganilau, the former Governor-General, who issues decrees on the advice of the Cabinet. An interim civilian government, formed in December 1987 when Major General Rabuka's military regime voluntarily stepped down, is headed by Prime Minister Ratu Sir Kamisese Mara, who held that office for 17 years prior to the April 1987 elections. The Cabinet is mostly made up of civilians and includes Fiji Military Forces (FMF) Commander Rabuka and four other military officers. The military, which staged two coups in 1987, remains very influential, especially in security matters.

The interim Government promulgated the Internal Security Decree (ISD) in June 1988, following the discovery of a substantial cache of arms that had been smuggled into Fiji. It was suspended on November 17, 1988. The ISD granted broad powers of detention and search without charge or warrant to the security forces (police and military). The ISD also granted the Government power to censor the press and close academic institutions. The use of the search and detention powers was generally restrained and limited to use in connection with the arms investigation. The judiciary, which remains independent, asserted its powers on several recent occasions to free persons held under the decree. Rabuka announced in September that members of the security forces had been disciplined for "excesses" committed under the Decree but gave no details.

Fiji's economy suffered a severe decline in the wake of the first coup in May 1987, but has made significant progress toward recovery. Sugar is the mainstay of the economy, and tourism is the second largest foreign exchange earner. The Government is promoting light manufacturing for export as a long-term means of diversifying the economy away from dependence on sugar and tourism.

The human rights situation in Fiji improved substantially after the interim Government took over. In the first half of the year limited freedom of the press was restored, reports of improper detention and search all but disappeared, and tensions eased. Fears of renewed tension arose after the June arms discovery. A few dozen people were detained for questioning; all, however, were either charged or released within a few days. As of December 1988, no one remained in jail without charge. Reports of physical abuse were few. The press was not subject to advance censorship but exercised considerable restraint in view of the wide powers available to the Government under the ISD. The ban on political meetings and demonstrations was lifted. A draft constitution is currently under review by the multiethnic Constitution Advisory and Review Committee.

FIJI

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings by the Government or any political groups.

b. Disappearance

There were no known abductions or disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden under Fiji's Fundamental Freedoms Decree and not practiced. Physical abuse of detainees has been reported but is neither widespread nor condoned. This represents a marked improvement over 1987, when there were numerous credible reports of physical abuse of detainees after the second coup in September. Corporal punishment is allowed; strokes of the cane are administered under medical supervision.

d. Arbitrary Arrest, Detention, or Exile

Until its suspension, the ISD allowed detention without trial in national security cases, subject to review every 6 months. Several dozen people were detained under this provision, all of whom have been released, most after a few days' detention; some were held up to 2 weeks. Some detainees initially were held incommunicado. Most detainees reported having been treated well. There are no long-term political detainees in Fiji. Twenty-one people were arrested and charged in connection with the arms case. Of these, 19 were granted bail by the courts. Exile is not practiced formally, but at least one political activist holding dual Fiji/New Zealand citizenship was deported despite his preference for remaining in Fiji. A number of Fiji citizens resident abroad would likely be subject to arrest or detention if they returned to Fiji.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The court system, reorganized after Fiji's withdrawal from the Commonwealth in September 1987, remains modeled on the British system. Magistrates' courts try minor offenses. A high court has original jurisdiction in serious cases. A Court of Appeals and a Supreme Court complete the legal structure. The Chief Justice chairs all three higher courts. No special courts exist; military courts try only members of the armed forces. The judiciary is independent, as demonstrated when a judge granted bail to most of the defendants in the arms smuggling case, despite the objections of the prosecution. In a September opinion ordering the release from house arrest of one of the defendants, the Chief Justice cautioned the security forces against abuse of power and unreasonable detention. Due process rights are similar to those found in English common law. Right to a public trial is guaranteed. Defendants have a right to counsel and there is a Public Defender's Office. Right of appeal is maintained. In practice, many trials and appeals have been delayed due to

understaffing of the court system. Habeas corpus and bail are normal procedure, so most defendants have not experienced undue imprisonment before trial. There were no political prisoners at the end of the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In general, privacy of the home is respected in Fiji. The ISD allowed warrantless searches. Homes and businesses of persons suspected of links with the arms shipment were searched, some repeatedly. Some people complained of harassment. Search warrants are required for normal searches in criminal cases. Membership in political organizations is not compulsory. Political contributions or activity are not required from civil servants as a condition of service. Surveillance of individuals believed to represent a security threat is carried out to some degree. Many political dissidents believe their telephones and mail are monitored, but no concrete evidence is available.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Political speech was constrained under the ISD, but has been largely restored since November. Prior to suspension of the ISD, public speeches tending to create racial division or threaten the public order were banned under it, but the ban was not strictly enforced. No charges were filed under these provisions. While not barred completely from expressing their views, dissidents had exercised restraint in criticizing the Government. Opposition political figures stated the ISD inhibited full and open discussion on the draft constitution and so the Fiji Cabinet suspended the ISD. This action had the effect of encouraging dialogue on the draft constitution and was seen as an attempt by moderates to underline support for human rights.

Broadcast and print media were subject to censorship under the ISD. In practice, the media operates without prior censorship but with considerable self-restraint. Statements about the political situation by political opposition figures and foreign governments are reported, however. The editor of the only daily newspaper was detained for several hours last summer when the newspaper printed a wire service story that erroneously quoted Rabuka as denying the authority of the civilian regime. He was released once he established that the wire service, not the newspaper, had made the error. Some time later, the chief reporter of the same paper was detained for 2 days for reasons that remain unexplained. While these incidents indicate that the press is still less than free, the situation was much improved over 1987, when the newspapers were closed for 6 weeks. Foreign reporters are required to obtain a visa to enter Fiji. Some television crews from Australia and New Zealand have been denied visas.

Fiji is home to the University of the South Pacific (USP), a regional institution. The USP has been a center of opposition political activity. The Government has made it clear that it wants the USP, and especially its expatriate staff, out of Fiji domestic politics. Some politically active expatriate staff members have been denied extension of their work permits. A number of Fiji citizen university lecturers were detained for periods of up to 2 weeks after the arms

discovery. While the ISD gave the Government the power to close any higher educational institution and to approve or disapprove teachers, these provisions were not used during the year and were suspended in November.

b. Freedom of Peaceful Assembly and Association

Assembly for political purposes is no longer restricted. However, permits for political demonstrations generally are not granted. One group of about 20 people was arrested and charged with parading without a permit for a demonstration in downtown Suva on the anniversary of the May 1987 coup. They were granted bail; at year's end the case still had not been heard. The ISD allowed the Government to restrict other kinds of public assembly, but the provision was not used. Even while the ISD was in effect, Indian community leaders used public holidays to hold political discussions of the draft constitution. Political parties are currently operating, and party headquarters, including that of the deposed coalition, remain open. Party activity is expected to resume when elections are scheduled, possibly late in 1989. Organizations of a political nature are allowed to operate and issue public statements.

For discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is guaranteed and honored in practice. The draft constitution declares Fiji a Christian country but guarantees protection for all religions. All Sunday commercial activities except those directly related to tourism, sugar harvesting, or emergency services are banned. The Sunday bans are opposed by Indians and urban residents, but popular among rural Fijians. Some Christian leaders also oppose the Sunday bans. Despite statements by General Rabuka about "Christianizing" the Indian community, there has been no attempt to translate this idea into public policy. No significant restrictions affect foreign clergy, missionary activity, charitable works, religious publishing and education, or other normal activities of religious organizations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement within the country. The ISD allowed the Government to prohibit certain people from entering or leaving Fiji. A few people were unable to depart if they were free on bail pending further investigation of arms charges. The most notable case was that of a Fiji Indian lawyer resident in New Zealand who came to Fiji to take care of some business and was unable to depart for about a month. He sued, then eventually dropped the suit when he was allowed to leave. There are some Fiji citizens resident abroad who could be subject to detention if they returned to Fiji. Opposition politicians and labor leaders were able to travel abroad and return to Fiji in 1988, an improvement over the situation which prevailed under the military Government in September-November 1987. Fiji citizens are free to emigrate. According to official statistics, between 8,000 and 10,000 have done so since May 1987. Most of the emigrants are Indians, many of them professionals, but Fijians and others have also left. Several thousand have

claimed refugee status, especially when applying for admission to Canada, but neither the U.N. High Commissioner for Refugees nor any government have recognized those claims. There are no refugees in Fiji, and no forced resettlement programs.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Fiji is governed by an interim Government comprising a Prime Minister and a Cabinet appointed by the President. The Cabinet includes senior politicians from Prime Minister Mara's Alliance Party as well as technocrats, five army officers, and some ethnic Fijian nationalists. There are two Indian Ministers. The interim Government has announced that it intends to implement a new constitution and elections by the end of 1989. The Cabinet approved and published a draft constitution containing traditional human rights guarantees in September 1988. The draft provides for a single-house Parliament with 28 elected Fijian members, 22 Indians, 1 Rotuman (Rotuma is a Polynesian island that is part of Fiji but ethnically distinct) and 8 others. In addition, the Great Council of Chiefs (GCC) will name eight members (one of whom is to be the commander of the armed forces). The Prime Minister can name up to four cabinet ministers from outside the elected and appointed members. These would then become Members of Parliament.

The draft constitution will be put to a multiethnic Constitution Advisory and Review Committee (CARC) to gather comments from all of Fiji's communities and to report these opinions to the Cabinet. A revised draft will be submitted to the GCC for review. The document will then be returned to the Cabinet for final review and transmitted to the President for approval and promulgation. The GCC is an all ethnic-Fijian advisory body composed of Fiji's highest traditional chiefs. Provincial representatives to the GCC are designated by provincial councils. The GCC has no administrative role in government but its approval is a sign of legitimacy within the ethnic Fijian community. The President and Prime Minister are both members by virtue of their high traditional positions.

Representation in the new Parliament will not be entirely proportional to population. Indians, who slightly outnumber Fijians, will be underrepresented. The other population elements (neither Indian nor Fijian) will be slightly overrepresented. In addition, the allocation of Fijian seats favors the east, which has traditionally dominated Fijian politics. The Constitution is intended to ensure political dominance by the indigenous Fijians, while reinstating a form of parliamentary democracy and providing sufficient representation for the Indian community to protect its communal interests.

Political parties are expected to reemerge when elections are scheduled. It appears there will be at least four parties: The Alliance, representing the moderate Fijian establishment; the Fiji Labour Party, which led the deposed coalition government; the National Federation Party, the other coalition partner and the traditional defender of Indian communal interests, and a new party to be formed from the Taukei movement, which promotes the predominance of ethnic Fijian interests.

Elections are to be held by secret ballot, with voting only by communal constituencies. This is a major change from the 1970

Constitution, which provided for a complex system of cross-voting allowing Indians a say in the selection of some Fijian representatives and vice versa. As in the old system, a government can sit for 5 years, during which period it must call an election.

Women generally take a secondary role in political life but are not excluded. There are two women in the current cabinet: the Minister for Women's Affairs and Social Welfare (a Fijian Chief) and the Minister for Indian Affairs (a well-known Indian politician). The current Permanent Secretary of Foreign Affairs is also a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no local human rights groups in Fiji. The Fiji Government regards externally based investigations of the political and human rights situation in Fiji as a violation of its sovereignty. Nonetheless, there were two such investigations in 1988, one by a group of visiting Australian Members of Parliament and the other by the International Confederation of Free Trade Unions (ICFTU). Both were allowed to proceed with their work. Government officials met with the Australian delegation but refused to receive the ICFTU group. No action was taken against Fiji citizens who met with the two groups.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The stated purpose of the 1987 military coups was to ensure the political supremacy of the indigenous Fijian people and to protect their traditional way of life and communal control of land. To this end a number of measures have been taken that favor the Fijian community over the other racial groups in Fiji. The most obvious is the reapportionment of the new Parliament to guarantee a preponderance of Fijians. The Government is also committed to raising the proportion of Fijians and Rotumans in the public service to 50 percent or more. Many Fijians felt that the precoup Public Service discriminated in favor of Indians, who controlled most of middle management due to their higher educational level. After the coups, a number of Indian civil servants were forcibly retired and many others left the country. The new constitution will reserve a number of positions for ethnic Fijians, including the Presidency, head of the Public Service Commission, and Commissioner of Police.

Control of land is a highly sensitive issue in Fiji. About 85 percent of the land is held communally by indigenous Fijians. Most cash crop farmers are Indians, who lease their land from the Fijian villages. Freehold land title is not an indigenous concept; current crown (6 percent) and freehold (9 percent) lands were alienated from customary owners during the colonial period. The present land ownership arrangements were instituted to protect the interests of the indigenous Fijians. Many Indians, particularly farmers, feel that the absence of secure land tenure discriminates against them. The military coups were prompted, in part, by Fijian fears that Indians sought to take away their land.

Women in both the Fijian and Indian communities have functioned primarily in traditional roles, although some women

rise to high places in the public service, politics, and business. Women can attain high status in Fiji's traditional chiefly system, although it is unusual. The prime minister's wife is, in her own right, Fiji's second highest-ranking Chief. Women have full rights of property ownership and inheritance, and a number have become successful entrepreneurs. However, women are paid less than men, a discrepancy that is especially notable in the garment industry, where workers, mostly young Indian girls, are subject to a special minimum wage much lower than that in other sectors. Reliable current statistics on representation of women in traditional men's occupations, business management, and the professions are unavailable. However, relatively few women are employed in these areas. There is a small but active women's rights movement. A recent area of focus has been violence against women. The movement has pressed for more serious treatment in the courts of rape, which tends to draw prison sentences of only a few years. The Chief Justice late in the year issued sentencing guidelines calling for more severe penalties.

Section 6 Worker Rights

a. The Right of Association

Workers are free to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies. Strikes are legal. Suva city council workers struck early in 1988 without interference from the central Government. Unions must register with, but are not controlled by the Government. The central labor body, the Fiji Trades Union Congress (FTUC), is closely associated with the opposition Fiji Labour Party and the deposed Bavadra Government. The FTUC is a member of the ICFTU and is part of the International Labor Organization (ILO) tripartite representation. The Labor movement is led largely by ethnic Indians. Persons with close ties to the Government have started rival unions primarily for ethnic Fijians; these unions are more amenable to political cooperation with the Government. The Government offers the same protection to the persons and property of union leaders as to other citizens. A number of union leaders were detained for questioning after the arms discovery; all were released within a day or two and reported being treated properly. There have been a few incidents of vandalism against the homes and cars of union leaders. The incidents, which were well organized, remain unsolved. There is no evidence to link such actions to the Government.

b. The Right to Organize and Bargain Collectively

Fiji law recognizes the right to organize and bargain collectively. Key sectors of the economy including sugar and tourism are organized, and collective bargaining is the norm. Currently, nationwide wage guidelines are in effect. These guidelines replaced a mandatory wage cut and freeze put into effect after the 1987 coups. Accordingly, collective bargaining over wages is restricted. Prior to the coups a tripartite forum of employers, unions, and government oversaw labor negotiations. The tripartite forum has been abolished; its restoration is a key demand of the FTUC. The Government has agreed to consider reestablishing the forum, but no action has been taken to date. Legislation protects workers from summary dismissal without just cause. The courts often rule in favor of workers in such cases. The unions are generally successful in preventing discrimination against workers for

union activities. When the Government announced plans to set up export processing zones (EPZ's), it indicated an intention to bar labor unions. However, the Government reversed itself quickly after protests from the unions. Labor legislation is applied uniformly throughout the country, including in the EPZ's.

c. Prohibition of Forced or Compulsory Labor

Forced labor does not exist in Fiji. Both the 1970 Constitution and the draft constitution give protection from forced labor.

d. Minimum Age for Employment of Children

Children under 12 may not be employed in any capacity. Children (under age 15) and "young persons" (age 15-17) may not be employed in industry or work with machinery. Enforcement generally is effective, with the possible exception of family members working on family farms or businesses.

e. Acceptable Conditions of Work

No national minimum wage has been established. Certain sectors have minimum wages set by the Ministry for Employment and Industrial Relations. These are in the $0.75-1.00 per hour range, except in the garment industry where it is only about 50 cents. The minimum wage will support a barely adequate standard of living, except in the garment industry, where wage standards are based on the assumption that workers are young people still living at home and not expecting to support a household. Fiji has workplace safety regulations, a Workmen's Compensation Act, and an accident compensation plan. A tribunal sets awards for workers injured on the job. Government enforcement of safety standards suffers from a lack of trained enforcement personnel, but the unions do a reasonable job of monitoring safety standards in organized workplaces.

INDONESIA

President Soeharto and the Indonesian Armed Forces (ABRI)--which include the military services and the police--are the preeminent institutions in Indonesia's "New Order" Government which came to power in the mid-1960's after an abortive coup backed by the Communist party. Since 1967 executive authority has been exercised by retired and active-duty military officers and civilian technocrats under President Soeharto's leadership. The partly elected, partly appointed Parliament (DPR) does not usually draft laws on its own but considers laws proposed by government departments and agencies. The People's Consultative Assembly (MPR)--consisting of the DPR's 500 members and another 500 appointed members--meets every 5 years to approve guidelines for government policy and elect the President and the Vice President. On March 11, the MPR reelected President Soeharto to a new 5-year term, with retired Lt. Gen. Sudharmono as Vice President.

In reaction to the Sukarno era's legacy of political and economic turmoil, the Government's priorities have been stability, economic development, and social equity. It has achieved positive results in each area, particularly in the rural sector. Nevertheless, despite substantial increases in real incomes in the past 20 years, the country is still poor, with wide disparities in wealth and in access to the benefits of material progress.

With a population of around 180 million, Indonesia is the fifth most populous country in the world and the largest in Southeast Asia. Since independence, Indonesian governments have sought to create a unique national identity and to accommodate a diversity of ethnic, linguistic, religious, and social groups, while assuring internal security and cohesion. The centerpiece of the Soeharto Government's political program is "Pancasila," an eclectic state ideology consisting of five broad principles: belief in one supreme god, belief in a just and civilized humanity, Indonesian national unity, democracy, and social justice. Under the Pancasila rubric, the Government successfully encourages religions to coexist in peace and emphasizes the major role of consultation and consensus in decisionmaking.

The armed forces, including the police, number about 380,000. A little less than half of these serve in the army, which historically has been primarily concerned with internal security. Under a "dual function" concept, many military officers have been seconded to Parliament and the civilian bureaucracy at all government levels.

Indonesia's mixed economy involves the State in nearly all sectors. The collapse in world oil prices has encouraged major government efforts at deregulation, aimed primarily at stimulating growth in nonoil sectors. Combined with the 1986 devaluation, the deregulation measures helped increase nonoil exports by over 30 percent in 1987. Similar nonoil export growth is anticipated for 1988. Real gross domestic product (GDP) growth in 1988 is expected to exceed 4 percent. These growth rates, while significant in a period of economic adjustment, are not sufficient to provide employment for all of the 2 million new entrants in the labor market each year. Corruption and influence peddling are endemic and restrict growth and economic opportunity.

INDONESIA

In 1988 the Government continued efforts to consolidate control, promote development, and improve living standards in East Timor. The army continued to maintain a substantial presence in the province, where periodic skirmishes with Fretilin guerrillas produced an unknown but apparently small number of casualties on both sides. Restrictions remained on travel to and from East Timor, although the Government appeared to be easing access by diplomats and other foreigners through escorted visits and in December announced the end of special travel requirements as of January 1, 1989. In Irian Jaya, sporadic fighting occurred between the army and the Organization for a Free Papua (OPM) rebels, whose isolated acts of violence target Irianese villagers and settlers from elsewhere in Indonesia as well as government forces.

Indonesia's human rights performance in 1988 was mixed. Positive aspects included the release from detention of several East Timorese suspected of supporting Fretilin; legal action against several police officials charged with mistreating prisoners; the considerable freedom of religion (although the Government has dealt harshly with efforts by Muslim activists to organize opposition); the significant role played by minority groups and women in government, the military, and the professions; and a modest opening of the political process that resulted from the debate over the President's choice of Vice President. Negative aspects included the abuse of prisoners, at times resulting in death; a policy of "shooting to wound" suspected criminals resisting arrest in Medan; significant restrictions on freedoms of the press and movement; and pervasive political controls which ensure continued military domination of the governmental system.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no substantiated reports of killings for political reasons in 1988; one human rights group called on the Government to investigate the deaths in February of two members of the civilian militia in East Timor.

b. Disappearance

No exact figures or confirmed identities are available on the small number of disappearances widely believed to occur each year. Security forces, often acting outside the legal constraints of the Criminal Code, are thought to be responsible for disappearances that have occurred in East Timor and Irian Jaya. Reports are often unspecific and difficult to confirm, although the Government has responded to inquiries about missing persons submitted through international organizations. Regularized International Committee of the Red Cross (ICRC) access to prisons in East Timor and elsewhere in Indonesia has helped to locate some missing persons in past years.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are frequent credible reports of torture and mistreatment of criminal suspects, detainees, and prisoners,

although the Government publicly condemns such practices. In one instance, eight convicts died of apparent dehydration and suffocation at sea while under transport from one facility to another. Standard police treatment of detainees, even in minor incidents, often results in physical abuse. Officials publicly acknowledged and condemned the existence of police brutality and unacceptable prison conditions. There have been allegations of torture of suspected Fretilin sympathizers in East Timor by security forces. The policy of "shooting to wound" suspected criminals allegedly attempting to elude arrest continued in Medan throughout 1988. The local press reported several such incidents each month, in which police shot suspects in the legs, often repeatedly. Many cases resulted in crippling injuries. The Government disciplined several police and prison officials charged with killing or mistreating prisoners or with making illegal arrests. Some of those were tried and sentenced to jail terms.

There has been no repetition of the large-scale killing of suspected criminals that took place from 1982 to 1985, but reports circulated occasionally of unexplained killings. In a recent instance of a "mysterious killing," i.e., summary execution of suspected criminals, the Government said criminal gangs were responsible.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedures Code (KUHAP) contains protections against arbitrary arrest and detention and specifies the right of prisoners to legal counsel and notification of family, although in practice these safeguards frequently are not respected. KUHAP provisions are honored more often in urban areas than in small towns or remote provinces. Security agencies arrest and detain persons to intimidate and otherwise to inhibit activities they do not wish to take place. While such actions may have little or no legal basis, there are no legal mechanisms for redress.

Emergency security provisions have permitted exceptions to KUHAP procedures under which arrests and detentions could be made by the Command for the Restoration of Security and Order (KOPKAMTIB). A Presidential Decree in September dissolved KOPKAMTIB and established in its place the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS). Indonesian law did not provide for the right to judicial review of the legality of detention by KOPKAMTIB. It had wide, special powers to detain and interrogate persons thought to threaten national security, particularly cases of suspected subversion, sabotage, secession, or corruption. Arrests or detentions under these powers were rarely if ever made public. Persons arrested and held under KOPKAMTIB provisions had no legal right to protection or legal aid. At year's end, the precise functions and powers of BAKORSTANAS had yet to be clearly defined.

Precise numbers of persons detained without trial were unavailable. Human rights observers estimate there may be as many as 500 throughout Indonesia.

Some East Timorese exiled from their villages several years ago were permitted to return to their original homes in 1988, reflecting a general easing of conditions there. However, several hundred persons were reportedly detained in East Timor for unspecified security reasons just before President Suharto's November visit there. Almost all were released

within a week after the visit, but around 10 were still being held as of mid-December.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

As government employees, judges in Indonesia come under the jurisdiction of the executive branch, which limits the independence of the judiciary. The courts and the Ministry of Justice have wide authority to suspend or disbar attorneys from practicing their profession for behavior deemed inappropriate inside and outside the court. Corruption permeates the Indonesian legal system. In criminal proceedings, defendants are frequently able to buy their way out of prosecution. In civil cases, court decisions are sometimes influenced by the payment of bribes. The Government from time to time has taken action against particularly flagrant offenders, but by and large these abuses continue unchecked.

In cases involving what could be defined broadly as "security" issues, particularly instances in which persons are being tried under the Subversion Provisions of 1963, the accused are rarely, if ever, found innocent. In all such security-related cases, it is widely believed the Government will ensure conviction irrespective of the evidence presented in court. Such convictions are aided by the court's ability to restrict evidence presented by the defense. Although the Government does not provide data on the number of persons serving sentences for subversion, one reliable estimate suggests there may be several hundred. Several subversion trials took place in 1988, most related to alleged Muslim extremist activity. Human rights observers alleged that in many cases the accused were imprisoned for peaceful protest activities. They were always found guilty.

As a result of increasing crime rates and shortages of judicial personnel, trials are frequently delayed. A three-judge panel conducts trials, hears evidence, decides guilt or innocence, and assesses punishment. Although the right of appeal is not absolute, it is observed in most cases. Initial judgments are rarely reversed, although sentences are occasionally reduced. Most court sessions are open to the public, and most defendants, if they can pay, have access to counsel. If destitute, defendants can find private legal help such as that provided by the Legal Aid Institute, or the court, at its discretion, can provide a limited amount of aid for those unable to afford legal assistance. The State must assure legal assistance in capital cases.

Two former Indonesian army and Communist Party members, implicated in the death of two generals during the 1965 coup attempt and sentenced to death in the late 1960's, were executed in mid-October. Foreign human rights groups have questioned the fairness of the trial procedures used to convict these and other individuals.

The Minister of Justice announced in May that the well-known human rights activist Adnan Buyung Nasution could resume the law practice from which he had been suspended for 1 year for alleged contempt of court. Over government objections, a district court in July asserted its jurisdiction over the lawyer's suit against the Minister for abuse of power and illegality in ordering the suspension. The court's decision

upheld the Minister's right to cite Buyung with contempt in January 1986 under a law not issued until March that year and ordered Buyung to pay nominal court costs. He is expected to appeal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption. However, forced or surreptitious entry by security agencies reportedly occurs periodically, especially in East Timor. Security agencies also conduct surveillance of persons and residences for the purpose of intimidation. Both local and international telephone calls are believed to be monitored selectively, without legal restraint, by government security agencies. Special government approval is no longer needed for telephone communication between Jakarta and East Timor, since the installation in 1988 of four direct telephone lines. Although correspondence generally is not monitored, letter mail to and from East Timor is subject to official scrutiny.

The importation of foreign publications and video tapes, which must be reviewed by government censors, requires a permit. Some foreign newspapers and magazines, especially from Australia, cannot be imported. The importation of Communist publications is prohibited.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are significant restrictions on freedom of speech and press. Parliament has helped create a body of law delimiting the rights of individuals and of the Government, although in the absence of implementing regulations or effective judicial review different government agencies frequently interpret these laws as they choose. Agencies thus have considerable discretionary authority. Governmental concern about public statements or publications which could be perceived as critical of the Government is a major factor inhibiting the exercise of free speech and press. Direct criticism of top leaders and their relatives is not tolerated. Opposition groups are generally free to meet privately and formulate views, but they have trouble disseminating their views publicly because of media reluctance to risk official disapproval or because of informal government instructions not to publish the opinions of or news about prominent opposition figures. The Minister of Religion announced that Muslim preachers would not be censored or controlled during the widely attended annual Muslim holidays. There were no reported arrests of Muslim preachers on that occasion, as has happened in past years.

While the general lack of specific, clear guidelines on what is permissible has generated a significant degree of self-censorship both in public speaking and in the press, the limits of government tolerance are regularly tested. School faculties sometimes refrain from producing materials, including dissertations, which they believe might provoke government displeasure. Publishers also are unwilling to accept manuscripts dealing with controversial issues. Foreign books critical of the Government or dealing with sensitive topics, such as human rights, similarly are avoided by

importers. Foreign periodicals, readily available in Indonesia, are often censored by their private importers in order to avoid government confiscation of the materials. With few exceptions this self-censorship is thorough and effectively responds to government concerns. In 1988 there appeared to be some relaxation of censorship of foreign newspapers.

The press is largely privately owned. While the Government supports the idea of a "free" press, it expects the media to be "responsible" by supporting national economic development goals and domestic stability. The Government closely monitors the media for material it finds unacceptable. In such instances, editors or journalists routinely receive oral instructions from government officials about news which cannot be reported. Articles and editorials do address and debate sensitive issues, however, and journalists sometimes have wide latitude within the vaguely defined limitations.

Chinese-language publications, with the exception of one officially sanctioned daily newspaper, can neither be imported nor produced domestically. Chinese characters are routinely blotted out of foreign news photos and advertising. No laws prohibit speaking Chinese, but the Government lays heavy stress on the learning and use of the national language, Bahasa Indonesia.

In 1988 the press received several written and oral warnings against providing employment to or publishing the writings of persons suspected of past Communist ties and downplaying the role of the banned Indonesian Communist Party in the 1965 coup. The Attorney General banned several books, including some written or edited by Pramoedya Ananta Toer, on the grounds that they contained Communist teachings and ideology. The Attorney General also announced the Government's intention to investigate Pramoedya's publisher. Suara Pembaruan, the successor to a Jakarta daily newspaper banned in 1986, operated throughout the year subject to the same limitations as other publications.

The Government continued to regulate closely resident and visiting foreign correspondents. Some were denied entry, although several U.S. journalists who previously had difficulty were admitted. Several Australian journalists were permitted to visit, continuing a trend of increased access by journalists from that country since they were banned in 1986. The Government occasionally reminds resident journalists of its prerogative to deny requests for visa extensions, although it did not deny any such requests in 1988.

There is a single government-operated television network, although television signals from neighboring countries are received in some parts of Indonesia. A private company started a cable television service in Jakarta. The more than 400 private radio stations may only use government-provided news programs.

b. Freedom of Peaceful Assembly and Association

Regional and national meetings of virtually all organizations, including labor organizations, must have government permission, and local jurisdictions often require prior approval for smaller, local gatherings as well. While such approval is usually granted, local authorities can and do sometimes withhold permission. Student gatherings are frequently the target of such disapprovals. In East Timor the

local government usually authorizes public assembly for social and ceremonial events and, as long as there is no perceived security risk, grants political parties permission to meet publicly.

The 1985 "Social Organizations" (or "Ormas") Law requires all organizations, including recognized religions and associations, to adhere to the Pancasila state ideology. This provision is widely understood as prohibiting groups which advocate making Indonesia an Islamic state. The law empowers the Government to disband any organization it believes to be acting against the tenets of Pancasila. The Government disbanded two organizations in 1987, but it took no such actions in 1988. The law stipulates that government approval is required before any organization can accept funding from foreign donors.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for religious freedom for the four major religions recognized by the State--Islam, Christianity, Buddhism, and Hinduism. Indonesia has traditionally displayed a high degree of religious toleration. The Government has taken a very strong position against Muslim groups which advocate establishing an Islamic state or acknowledging only Islamic law, both of which are outlawed. In 1988 about a dozen Muslim activists were sentenced to prison terms for alleged subversive activities stemming from that prohibition. Although the Indonesian population is overwhelmingly Muslim, the practice and teaching of the other recognized faiths are respected. Many mystical and folk religions and sects also exist. Government leaders actually encourage some of these, but bannings occur periodically, affecting perhaps 20,000 adherents. The Attorney General has said 382 cults are currently banned. While the Government often tolerates private practice of banned religions, local authorities occasionally harass adherents of such groups. The legal requirement to adhere to the governing Pancasila ideology extends to all religious and secular organizations.

A 1972 letter of the Attorney General reiterated a Presidential Decree of 1962 banning membership in Jehovah's Witnesses and the Baha'i faith. Several Jehovah's Witnesses were reportedly arrested and their relatives put under surveillance. From time to time authorities harass or discriminate against Baha'is for their religious beliefs, and several have been strongly pressured to convert to Islam. Because the first tenet of Pancasila is belief in a supreme being, atheism is forbidden. Some animists in remote parts of Indonesia have reportedly been pressured to convert to Islam or Christianity in order to fulfill the requirement of belief in a supreme being. No legal bars forbid religious conversion between faiths, and conversions occur. However, proselytizing in heavily Islamic areas is seen as potentially disruptive and is discouraged.

In many cases, foreign missionary activities are relatively unimpeded. In fact, they are welcomed in remoter districts, where government resources in fields such as education and health are insufficient. They make significant contributions in those fields in Irian Jaya, Kalimantan, and East Timor. Recently, however, some foreign missionaries have faced

difficulty in renewing visas or residence permits. Normally, the Government does not allow foreign missionaries and other foreign workers to spend more than 10 years (15 in exceptional circumstances only) in Indonesia. Enforcement of this policy does not discriminate by sect or nationality. The Government reconfirmed its intention to reduce the numbers of foreign missionaries in order to encourage the employment of Indonesians. Foreign missionary work is subject to the funding stipulations of the Ormas Law discussed above.

Official holidays include Christian, Hindu, and Buddhist, as well as Muslim, holy days. Indonesian Muslims, Christians, and Buddhists maintain active links with coreligionists inside and outside Indonesia. Travel to religious gatherings is permitted. Hajj trips to Mecca are available only through government-organized tours. The Government permits a set number of pilgrims to make the hajj annually.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are some restrictions on movement within Indonesia. The Government requires permits for changes of residence in certain areas, primarily to control the further shift of population from rural to urban locations. Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural Indonesia. An estimated 2,000 noncitizen ethnic Chinese accepted a government offer of immigration amnesty which expired in September and could eventually allow them to obtain citizenship. The Government said the remainder would be tried as illegal immigrants, and it is reportedly making preparations for a holding camp on Sumba Island.

Restrictions exist on movement by Indonesian and foreign citizens to and within East Timor and within parts of Irian Jaya. Since 1979 the Government has relocated many rural East Timorese living in the central and eastern parts of the province to isolate them from Fretilin rebels and, according to the Government, to facilitate their access to health, education, and other government services. Most Timorese require permission to travel within the province. In some areas of East Timor, residents may not farm beyond their immediate village area and are restricted to their village itself during military operations in the area. Despite these restrictions, the Government eased access by some foreign observers to the province, as exemplified by an October visit by an Australian state chief minister, accompanying journalists, and former East Timor residents. In December the Government announced that as of January 1, 1989, special travel requirements would end for East Timorese traveling to other provinces and for Indonesians from other provinces traveling to East Timor.

Former political detainees associated with the abortive 1965 coup attempt are restricted in the exercise of their political rights, required to notify authorities of their movements, may not change their place of residence without official permission, and have restrictions placed on their employment. Members or alleged supporters of the banned Communist Party of Indonesia (PKI) outside Indonesia have been allowed to return only on a case by case basis. Government security officials said they were intensifying efforts to keep track of all of the 2.5 million former members of the PKI and some 20 million members of its front groups.

Officials took steps to revoke the passports of over 100 alleged fugitives from justice charged with crimes, such as subversion, corruption and smuggling. In addition, the Government periodically restricts foreign travel of domestic critics and others in disfavor. Although reliable figures are not available, it is estimated that some 5,000 Indonesians currently are not permitted to leave the country. This number includes critics of the Government, those arrested in the student riots of 1974, and others. However, other critics of the Government are free to travel abroad, and a person banned at one time may be permitted to travel subsequently. Students do not need Government permission to go abroad to study. A departure tax of about $150, instituted to save foreign exchange, may deter some discretionary travel abroad.

Under its refugee policy, Indonesia has given first asylum to over 102,000 Indochinese refugees since 1975. The Indochinese refugee population stood at about 2,400 at the end of 1988. The United Nations High Commissioner for Refugees in Jakarta has documented that local government authorities pushed refugee boats away from Indonesian territory at least eight times in 1988. In one instance, one refugee was killed and another injured. Central government authorities have denied such "pushoffs" took place and reconfirmed Indonesia's policy of first asylum. Observers believe, however, that "pushoffs" continue to take place from time to time.

Although no accurate figures are available, it is believed that some residents of Irian Jaya who in previous years had crossed into Papua New Guinea returned voluntarily across the border.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government's authority is largely concentrated in the hands of a small group of active-duty and retired military officers and civilian technocrats led by President Soeharto. This system ensures the continued preeminence of the military in all fields of governmental activity. The Parliament, political parties, and the general public have little ability to influence government decisions or to change the system or its leadership.

The Parliament considers laws presented to it by government departments and agencies but does not usually draft laws on its own. The Government seeks to resolve potential parliamentary concerns before the bills are officially presented. Parliament can change the text and occasionally intent of bills it reviews and did so in several instances in 1988. Bills of major significance are often passed with little or no alteration.

A 1975 law allows three political parties--one made up of four former Muslim political parties, and another of former nationalist and Christian parties. The third, GOLKAR, is a longstanding, government-sponsored organization of functional groups which serves a role similar to that of a political party. Party leaders are approved or named by the Government, and party activities are closely scrutinized and often guided by government authorities. These factors weaken the parties' election prospects and diminish their ability to represent effectively their constituents' concerns to the Government. Except during election campaigns, the two parties may only maintain nominal representatives called commissioners below

the district level. Formally, the same restriction applies to GOLKAR. However, this system gives GOLKAR an advantage, since its civil service members have constant access to small towns and villages because of their official duties. The Communist Party of Indonesia (PKI), the former Socialist Party, and a formerly powerful Muslim party linked with separatist rebellions in the late 1950's, Masyumi, are specifically banned. With rare exceptions, members of the first and many leaders of the last are not allowed to run for office or to be active politically. Most former PKI detainees are now permitted to vote.

General elections for Parliament and for provincial and district assemblies are held every 5 years. GOLKAR won 73 percent of the national vote in the last elections in 1987. All adult citizens, except active-duty members of the armed forces, convicted criminals serving prison sentences, and some former PKI members, are eligible to vote. Voters cast ballots for party lists of candidates. Voting is not mandatory, but strong social pressures ensure participation. Protest votes take the form of blank or deliberately spoiled ballots. In several villages in Java in 1988, voters used these means as well as ballots cast into unmarked ballot boxes to reject government-proposed candidates running unopposed for the position of village head.

Under the 1985 election law, the Parliament elected in April 1987 consists of 500 members, 400 elected by the voters and 100 appointed by the Government from the armed forces. The People's Consultative Assembly (MPR) consists of Parliament plus 500 other members appointed by the President and by regional governments. The MPR, which convenes every 5 years, ended its most recent session in March 1988 after promulgating guidelines for government policy for the next 5 years and reelecting President Soeharto to a new 5-year term, with retired Lt. Gen. Sudharmono as Vice President. Although Sudharmono was the President's choice, there was open opposition to him and for the first time a competing candidate for the Vice Presidency. This was accompanied by modestly more open discussion of sensitive political issues in the press.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government considers outside investigations of alleged human rights violations to be interference in its internal affairs. Representatives of Amnesty International and other international human rights groups, for example, have been refused access to Indonesia. In 1988 the Government permitted representatives of Asia Watch to visit for the purpose of preparing a report on the rule of law, although Indonesian officials did not agree to discuss the subject with Asia Watch. Asia Watch's lengthy report, published in November, criticized what it described as "sweeping restraints on civil and political rights in Indonesia and East Timor." The Government uses its considerable powers to discourage meaningful human rights activities, including maintenance of close ties with foreign human rights organizaions.

Under a 1985 agreement with the Government, the ICRC conducts regular visits to persons jailed in connection with armed resistance in East Timor; provides medical and food aid to detainees and their families; carries out medical and

nutritional surveys in vulnerable villages in East Timor; arranges reunification of divided families in East Timor and abroad (mainly Portugal); and arranges repatriation to Portugal of former Portuguese civil servants and their families in East Timor. In addition, the ICRC is permitted to visit prisoners convicted of participation in the 1965 Communist-backed attempted coup. There are no indications that the Government has decided to allow access by the ICRC or any other international humanitarian group to the numerous Muslim activists held prisoner in Indonesia. The Government has in the past provided some information on disappearances requested by the U.N. Human Rights Commission and by international humanitarian organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Some Indonesian women enjoy a high degree of economic and social freedom. Women occupy important midlevel positions in the civil service, educational institutions, labor unions, the military, the professions, and private business. The Cabinet appointed in 1988 includes 2 women out of a total of 41 positions. Although legislation guarantees women equal treatment, women seldom receive equal pay for equal work. In addition to a government-sponsored women's organization in which membership and participation are strongly encouraged for the spouses of civil servants, several voluntary, private groups work to advance women's legal, economic, and political rights. Chief among these is the Congress of Indonesian Women, an umbrella organization for some 55 women's groups.

Although many people of Chinese ancestry resident in Indonesia have achieved marked success in business and the professions, strong official and informal discrimination affects many other ethnic Chinese. They are pressured to take Indonesian names. While encouraged to become citizens, some Chinese find legal avenues to citizenship blocked or are discouraged by the time-consuming and expensive task of obtaining citizenship documents. Chinese who have been unable to obtain Indonesian citizenship can lose their right to residence should they be abroad for a period of more than 3 months. Government regulations prohibit the operation of all-Chinese schools and institutions of higher learning, teaching in Chinese languages, the formation of exclusively Chinese cultural groups or trade associations, and the use of Chinese characters on signboards or in publications. However, these restrictions are not always observed in practice, and social and religious groups which are, in effect, all-Chinese are not proscribed and do exist.

Section 6 Worker Rights

a. The Right of Association

Indonesian workers in the private sector are organized in a single national body--the All Indonesia Workers Union (SPSI). The SPSI consists of approximately 10,220 local unions and has a membership of about 3 million. There is pressure on its officials to join the government-sponsored GOLKAR political organization and GOLKAR members dominate the leadership. The total work force is about 70 million. The SPSI is the only union or federation that meets the requirements for legal recognition. These requirements are representation in at least 20 of the 27 provinces, branch offices in at least 100 districts, and 1,000 local units at plant level.

Nevertheless, a number of other groups and professional organizations function as quasi-trade unions and operate openly. Some are sanctioned by the Government and others are not. Unions draw up their own constitutions and rules and elect their representatives. Regulations ensure the integrity of the process. The Government views unions as an essential component of its development plans, with the role of increasing worker participation in development, maintaining industrial peace, and raising member consciousness and understanding of Pancasila as it applies to industrial relations. The SPSI performs these functions and has had some success in negotiating collective bargaining agreements.

The SPSI publicly addresses all matters affecting the work force, though criticisms, evaluations, and observations are formulated within the framework of Pancasila industrial relations, which emphasize consultation among the parties and avoidance of confrontation.

Government approval is needed for meetings held outside SPSI headquarters. Permission is routinely given to SPSI and to other nonregistered organizations overtly functioning as unions. The SPSI represents workers before the International Labor Organization (ILO). The Ormas Law discussed above governs the activities of SPSI and the quasi-unions. Although the SPSI maintains extensive international contacts, it is not affiliated with any international trade union organization, except the ASEAN Trade Union Council. Some of the trade unions not legally recognized by the Government, however, are associated with international trade union bodies.

All workers organized in labor unions have a legal right to strike with the exception of employees in the 21 industries designated by a Presidential Decree in 1963 as vital to the national interest. These industries employ about 170,000 workers. A union must notify the local manpower office that its attempts to resolve disagreements through negotiations have failed and that the union will go on strike. No approval is required. While there have been some exceptions in practice, civil servants and employees of state enterprises do not have the right to join unions or to strike. They must belong to the Indonesian Corps of Civil Servants (KORPRI)--a nonunion association.

By government regulation, a separate and compulsory dispute resolution and appeals process exists for civil servants and employees in "vital" industries to protect their interests in the event of a labor dispute. In the private sector, excluding the industries deemed vital by the 1963 Decree, arbitration is not compulsory. In the event of an industrial dispute, the parties submit their case to an administrative tribunal on which they have representatives. The parties themselves decide the means of resolving the dispute.

Indonesia has ratified ILO Convention No. 98 on the Right to Organize and Collective Bargaining, but has not ratified Convention No. 87 on Freedom of Association and Protection of the Right to Organize.

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) has expressed its belief that Indonesian workers are denied the right of association, denied the right to bargain collectively, and that the Government controls the private sector and insists on too broad a

definition of "state employee." The ILO's Committee on Freedom of Association has under consideration a 1987 complaint by the International Confederation of Free Trade Unions which alleges that Indonesian legislation restricts trade union rights, contrary to the principles of freedom of association and the provisions of ILO Convention No. 98. The Committee requested, at its November 1988 session, that the Government take steps to amend its legislation in some of these areas and to provide additional information on others.

b. The Right to Organize and Bargain Collectively

The right to bargain collectively is guaranteed by law. Collective bargaining agreements are vigorously endorsed by the Department of Manpower and viewed as hallmarks of Pancasila industrial relations. They are the principal instruments for achieving a sense of coresponsibility for industrial relations. The overwhelming majority of the SPSI's collective bargaining agreements are negotiated and concluded bilaterally with the employers.

The law protects collective bargaining agreements and the negotiating process by imposing obligations on both the union and the employer. Both parties are obligated to execute agreements upon request and to bargain in good faith. Once an employer is notified that 25 employees have joined the union, it is under a statutory obligation to bargain, and the union has an absolute right to conclude a labor agreement. As a transitional stage to encourage union organization, employment regulations require that every company employing 25 or more employees issue a company regulation covering terms and conditions of employment. There are no laws which prevent collective bargaining from taking place in export processing zones, and some of the companies in such zones have SPSI units, but there are no collective bargaining agreements in the zones.

Regulations expressly forbid employers from prejudging or harassing any employee because of union membership, and employees are urged to report harassment to the Government. The SPSI claims, nevertheless, that its members and those wishing to form SPSI units are the objects of employer discrimination. Companies are required to provide office space for local union headquarters; to allow union officers time off from the job to conduct union business; and to grant liberal leave, consistent with maintaining normal operations of the firm, for training and attending regional meetings of the SPSI.

Labor disputes are resolved by a system of regional and central tripartite committees. These bodies hear the contentions of all parties and issue executable, enforceable decisions. The parties can elect binding bipartite arbitration in lieu of the tripartite settlement mechanism. The Minister of Manpower can nullify decisions of the central committees on grounds of legality or national interest. Decisions of the regional or central committees and decisions of private arbitrators can be enforced through the courts. Although technically the Minister of Manpower's decision can be appealed to the courts, in practice it is rarely done.

Workers can organize without restriction in a private enterprise even if it is designated vital by the Government.

If the State has a partial interest, the enterprise is considered to be in the public service domain, but this does not limit organizing. There are a significant number of government/private joint ventures which have labor unions and which bargain collectively.

The 1987 ICFTU complaint alleged that Indonesian regulations permit only the SPSI to register as a legitimate trade union, thereby conflicting with the ILO convention to encourage and promote collective bargaining, and that laws in place do not satisfy the antiunion discrimination requirement of ILO Convention No. 98. Several organizations carry out trade union functions independent of the SPSI. Regulations promulgated in October 1986, which address ICFTU allegations of union discrimination, were not cited in the complaint. The ICFTU complaint also alleged that public servants and employees involved in public undertakings or in enterprises in which the State participates must belong to KORPRI; that KORPRI does not and cannot perform trade union functions; and that compulsory membership of these employees in KORPRI negates the right to organize freely.

By law, civil servants and employees of state enterprises must belong to KORPRI, an association chaired by the Minister of Home Affairs. KORPRI has autonomy and mechanisms for protecting its members. The KORPRI employment relations bureau, for example, represents employees in the settlement of disputes. There is also an appeal level for dispute settlement called the employees advisory board. KORPRI defends its ability to protect workers by noting that its members generally enjoy a higher standard of living than do workers in the private sector. KORPRI members in state enterprises are permitted to negotiate agreements on working conditions. These are usually in the form of company regulations rather than collective agreements.

c. Prohibition of Forced or Compulsory Labor

Forced labor is strictly prohibited and in practice it does not exist. Indonesia has agreed to be bound by ILO Convention No. 29 concerning forced labor. No reports charge the use of forced labor in Indonesia in modern times.

d. Minimum Age for Employment of Children

On February 7, 1987, the Indonesian Department of Manpower issued new regulations on child labor, which note that Indonesia's child protection laws have not been properly carried out. The new regulations also acknowledge a class of children who have to work to support their families and themselves. Such employment must be with the permission of the child's parents or guardians. Dangerous work is specifically forbidden. For children under age 14, the working day is limited to 4 hours, night work is forbidden, and wages are to be paid at the prevailing rate. Employers with youths under age 14 on the payroll are required to cooperate with public authorities to assure that the children have an opportunity to get an elementary education within the framework of the compulsory schooling law. Enforcement of the child labor laws has improved substantially by the new regulations. Employers are now required to report in detail on every child employed by name, age, date, time of employment, and line of work. The Manpower Department is to conduct periodic inspections, and sanctions for violations are specified. Nonetheless, child labor and inadequate protection

for working children continue to be serious problems in Indonesia, despite government efforts to strengthen the law in the area. The Government is on record as actively supporting programs and private organizations that promote and publicize child welfare and protection and has a liaison person who maintains contact with such groups. With the 1987 regulations, labor inspectors at the district level have the mandate to inspect factories to ensure enforcement. Inspectors have been tasked with checking closely cigarette companies and agricultural sites where violations have occurred in the past. The Government's approach to date, however, has been mainly to persuade and attempt to teach employers rather than to penalize.

e. Acceptable Conditions of Work

The law establishes 7-hour workdays and 40-hour workweeks, with 1/2 hour of rest for each 4 hours of work. In the absence of a national minimum wage, minimum wages are established for each region and for sectors and subsectors within the region by regional wage councils working under the supervision of the National Wages Council. This is a quadripartite body consisting of representatives from labor, management, government, and the universities. It establishes a basic physical need for each province--a monetary amount enabling a single worker or family to meet basic needs of nutrition, clothing, and shelter. The annually calculated figure reflects changes in the local Consumer Price Index (CPI) for food, clothing, housing, transportation, and other family needs. Factors considered by the quadripartite bodies in setting minimum wage rates include changes in the local CPI, skill level of workers, local supply of manpower, and the ability of firms to pay. Many minimum wage rates fall short of providing the decent standard of living the Government envisages. The minimum wage in the capital of Jakarta ranges between the equivalent of $ 0.94 and $1.23 per day, depending on the industry.

Wage levels do not account for total labor costs. An extensive body of labor law and ministerial regulation provide workers with: vacation pay, maternity leave, public holidays, generous overtime and sick leave pay, guaranteed severance and service pay, paid leave for personal and family occasions, and protection from delay in wage payments. In addition, workers receive transportation allowances, food allowances in cash or kind or both, and holiday bonuses. Workers in more modern facilities often receive health benefits, social security contributions, and free meals.

While there is no legal differentiation between workers in free export zones and those who work elsewhere, companies in free export zones can obtain specific exemptions from applicable regulations upon request. One such company has obtained permission from the Department of Manpower to deviate from the normal working hours. Observance of the minimum wage figure varies from sector to sector and from region to region, and there are no reliable figures on overall compliance.

GDP per capita in 1986 was only $453. Figures from 1983, the latest available, show that 26 percent of urban dwellers and 44 percent of rural population live below the absolute poverty level as defined by the World Bank.

An extensive body of law and ministerial regulations provide for minimum standards of industrial health and safety, an area

still in the early stages of development that has received greatly increased emphasis by the Department of Manpower over the last 2 years. Safety and health programs in the country's 100,500 larger, registered industries in the nonoil sector are hampered by a limited number of qualified inspectors (less than 1,200); the slowness with which the firms established the required plant safety committees (only about 4,500 as of March 1987); and the need for more and better training of government inspectors and plant safety personnel.

In January the Manpower Department launched a month-long national health and safety campaign whose primary goal was to sensitize Ministry staff, firms, and workers to the importance of carrying out effective safety and health programs in the workplace. The Department called for a more coordinated effort between Government, private institutions, and the labor force in developing programs which address safety and health concerns in the workplace and it requested the Association of Indonesian Technical Inspectors to increase educational and training programs. The Department also entered into a contract with a private foundation to assist in developing safety and health programs which can be put into place in offices, factories, workshops, and shopping centers throughout the country.

JAPAN

Japan is a parliamentary democracy operating within the framework of a constitution adopted in 1947. Sovereignty is vested in the people and the Emperor is defined as the symbol of state. On the national level, power is divided among executive, legislative, and judicial branches. Executive power is vested in a cabinet composed of a prime minister and ministers of state, and it is responsible to the Diet, Japan's two-house parliament. The Diet, elected under a system of universal suffrage and the secret ballot, has the responsibility to designate the prime minister, who must be a member of that body. Nearly 70 percent of the electorate usually votes in general elections, which involve candidates from six active and freely functioning political parties. The judicial system has several layers of courts, with the Supreme Court as the final authority.

Japan's well-organized and disciplined national police force has a good reputation for respecting the human rights of the populace, although there have been reports of incidents of misconduct by individual police officers, including harsh treatment of prisoners in their custody. The police force is firmly under the control of the civil authorities, and there is no evidence that it resorts to extralegal measures in the discharge of its duties. The Civil Liberties Bureau in the Ministry of Justice and the Human Rights and Refugee Division in the Ministry of Foreign Affairs monitor problems relating to human rights practices in Japan.

Japan's thriving free market economy is the second largest in the world in terms of gross national product. The economy has traditionally been characterized as "export oriented," although considerable efforts were made during 1988 to stimulate domestic demand. Only 19 percent of the country is arable, but agriculture is practiced so intensively that the country has an agricultural self-sufficiency rate of around 70 percent.

Although the Japanese are receptive to foreign ideas, the citizens of this densely populated nation have a cultural, ethnic, and racial homogeneity which can make the integration of alien residents into Japanese society difficult. While the legal system has gradually evolved toward granting equality of opportunity to minorities, there remains social prejudice against Koreans, around 687,000 of whom are first, second, and third generation permanent residents, in addition to the approximately 136,000 naturalized Japanese nationals of Korean ancestry. There are also about 84,000 ethnic Chinese living in Japan, the majority of whom are permanent residents rather than citizens. An estimated 1.2 million outcasts ("Burakumin") also suffer social but not legal discrimination. Additionally, there are about 25,000 registered descendants of the Ainu, Japan's indigenous people who reside primarily in Hokkaido and who suffer social discrimination. Okinawans, whose history and culture is different from that of mainland Japan, reportedly still suffer occasional social discrimination, but they are increasingly being integrated into Japanese society. The Constitution states that "all of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin." The human rights assured by the Constitution and the bill of rights are secured by a just and efficient legal system.

JAPAN

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known instances of politically motivated murder.

b. Disappearance

There were no known instances of politically motivated abduction or clandestine detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and other cruel, inhuman, or degrading treatment or punishment is provided for by the Constitution and respected in practice. Occasional reports of misconduct by individual police officers are investigated promptly and disciplinary action taken when warranted.

d. Arbitrary Arrest, Detention, or Exile

The constitutional provision for freedom from arbitrary arrest or imprisonment is respected in practice. Japanese law provides for judicial determination of the legality of detention. People cannot be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists to detain the accused. The length of time before a suspect is brought to trial depends on the nature of the crime but rarely exceeds 2 months; the average is 1 to 2 months. Preventive detention does not exist.

Under the Criminal Procedure Code, a suspect may be held in police custody for up to 72 hours. This period may be extended by a judge for up to 25 days if necessary. If an indictment follows, the suspect is transferred to a criminal detention facility. During 1988 the Government announced its intention to submit legislation to the Diet which, the Government maintains, would improve conditions in detention facilities and update the regulations which govern the pretrial detention period. The Japan Bar Association opposes the legislation, which was first presented to the Diet in 1982 (and defeated), on the grounds that police powers need to be reduced and more fundamental revisions of the detention system are necessary.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for the right to a speedy and public trial by an impartial tribunal in all criminal cases, and this right is respected in practice. The defendant is informed of charges upon arrest and assured a public trial by an independent civilian court with defense counsel and the right to cross-examination. The Constitution assures defendants the right not to be compelled to testify against themselves as well as free and private access to counsel. Defendants are also protected from the application of laws retroactively and have the right of access to incriminating evidence after a formal indictment has been made. A defendant who is

dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a higher court. There are several levels of courts, with the Supreme Court serving as the highest judicial authority. There is no trial by jury in Japan.

The Constitution establishes an independent judiciary. Judges are appointed by the Cabinet for a 10-year term which may be renewed until the age of 65, but face periodic review through popular referendum. Judges may only be removed by public impeachment, unless they are judicially declared mentally or physically incompetent to perform their duties. The Japanese Constitution prohibits any disciplinary action against judges by any executive organ, including the Cabinet. There is no evidence of politicization of the judiciary. Justices of the Supreme Court may serve until the age of 70.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution, each search or seizure must be made upon separate warrant issued by a judicial officer. The standards for issuing such warrants exist to guard against arbitrary searches. There were no reports that the Government or any other organization arbitrarily interfered with privacy, family, home, or correspondence.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution, an independent press and judiciary, and a functioning democratic political system combine to ensure freedom of speech and press.

b. Freedom of Peaceful Assembly and Association

These freedoms are provided for in the Constitution and respected in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution and respected in practice. While Buddhism and Shintoism remain the two major religions, there are many others, including several Christian denominations. Missionaries are welcome and receive special visa status. Some temples and shrines, as treasured national properties, receive public support for maintenance.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Japanese citizens have the right to travel freely, both within Japan and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Japanese nationality can be lost by naturalization in a foreign country or failure to elect Japanese nationality at the proper age. The Ministry of Justice administratively denies reentry permits to the small number of permanent resident aliens who are not in compliance with the fingerprint requirement of the Alien Registration Law. These people may return to Japan by

obtaining a visa through a Japanese Embassy abroad but are not permitted to reestablish permanent residence until they fulfill the fingerprint requirement. They are instead given residence visas which must be renewed annually.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

As a parliamentary democracy, Japan is ruled by the political party or parties able to form a majority in the lower house of its bicameral Diet. The Liberal Democratic Party, which has been in power continuously since 1955, won a substantial parliamentary majority in the July 1986 national elections. Five opposition parties are active in elections, which are held every 3 to 4 years. The overwhelming majority of Diet members are men, but women are also represented. All adult citizens have the right to vote by secret ballot. Political interest groups may organize and engage in nonviolent political activity regardless of political beliefs. Well-organized labor unions ensure participation by workers in the political process.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In 1988 representatives of the Korean community in Japan petitioned the United Nations Committee of the International Human Rights Covenant to take up allegations of discrimination, especially regarding the fingerprint provision of the Alien Registration Law. Other groups petitioned the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities to take up allegations of discrimination against Japan's indigenous people, the Ainu, and to look into Japan's criminal detention system. In each case, the Government responded to the complaints, and no further discussion or investigation followed.

The Government is active in working for improvement of human rights practices in other countries. There is a Human Rights and Refugee Division in the Ministry of Foreign Affairs, which gives special attention to these matters.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

As a homogeneous nation with a long tradition of isolation from other cultures, Japanese society has been resistant to the integration of alien residents despite its general receptivity to foreign ideas. Entrenched social prejudice against both Korean residents (most of whom were born, raised, and educated in Japan) and members of the "Burakumin" community (descendants of feudal era "outcasts" who practiced so-called "unclean" professions such as butchering and undertaking) has restricted the access of both groups to private housing, employment, and marriage opportunities. The Ainu community also alleges discrimination, especially regarding employment opportunities.

In recent years, the Government has enacted several laws and regulations extending to permanent resident aliens, 82 percent of whom are Koreans, the benefits of equal access to public housing and loans, social security pensions for those who otherwise qualify, and certain public employment rights. The Government in 1988 enacted a "Special Budget Measures for Area

Improvement Projects Law," which provides funds until 1992 to complete projects started under a similar law which expired in 1987. That law, first issued in 1969, was designed to help assimilate Burakumin into mainstream society through a number of social, economic, and legal programs.

The Government acted to rectify an issue of concern to resident Koreans in 1987, when it revised the alien registration law to require only a single fingerprinting of foreign residents rather than repeated fingerprinting at 5-year intervals. Human rights activists representing Korean residents are not satisfied with the revised law and have called for complete abolition of the fingerprinting requirement.

According to law, aliens with 5 years' continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote. In fact, however, relatively few eligible aliens have been naturalized. Many permanent residents are unwilling to seek naturalization on the ground that their cultural identity would be erased by that act. A high intermarriage rate and changes in the naturalization law several years ago to allow Japanese women, as well as men, to convey citizenship to the offspring of mixed marriages will eventually reduce the number of non-citizen Korean residents of Japan.

There are some 23.6 million women workers in Japan, comprising 40 percent of the employed population. Discrimination by private employers against women is prohibited by the Constitution and by legislative measures adopted over the past 30 years to accord women the same legal status as men. In April 1986, the equal employment opportunity law came into effect. The law was intended to eliminate sex discrimination in such areas as recruitment and hiring, pay inequality, and the amount of night or overtime hours that can be worked. It has been criticized as containing no concrete measures, such as penalties for violators, to ensure equality for women workers. In any case, passage of this legislation has not in itself changed the prevailing social attitudes which discourage women from seeking and obtaining positions of managerial responsibility. Women who wish to pursue careers often find obstacles in their way and are unlikely to advance as quickly as their male counterparts. Significant disparities remain between the salaries of men and women workers.

Section 6 Worker Rights

a. The Right of Association

The right of association as defined by the International Labor Organization (ILO) is protected in Japan. The right of workers to organize, bargain, and act collectively is assured by the Japanese Constitution. Slightly under 28 percent of the active work force belongs to labor unions. Unions are free of government control and interference. Most unions are involved in political activity as well as labor relations. They are active in international bodies, most notably the International Confederation of Free Trade Unions and the ILO. The right to strike is implicitly assumed by the Constitution and it is exercised frequently. Public employees, however, do not have the right to strike, although they do have recourse to mediation and arbitration in order to resolve disputes. In exchange for a ban on their right to strike, government employees' pay raises are determined by the

Government, based on a recommendation by the independent National Personnel Authority.

b. The Right to Organize and Bargain Collectively

The Constitution states that unions have the right to organize, bargain, and act collectively and these rights are exercised in practice. Members of the armed forces, police officers, and fire fighters are not permitted to organize. Japanese law also allows unions to lobby and to make political campaign contributions. Japan does not have export processing zones. Labor laws and regulations are observed uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Labor Standards Law prohibits the use of forced labor, and there were no known cases of forced or compulsory labor.

d. Minimum Age for Employment of Children

Under the revised Labor Standards Law of 1987, minors under 15 years of age may not be employed as workers and those under the age of 18 years may not be employed in dangerous or harmful work. Child labor laws are rigorously enforced by the Labor Inspection Division of the Ministry of Labor.

e. Acceptable Conditions of Work

The Labor Standards Law provides for the phased reduction of maximum working hours from the present 48-hour, 6-day workweek to 40 hours by early in the next decade. Although introduced as a means of increasing leisure time available to the work force, the law has been criticized by employee groups because of the increased flexibility it gives employers in calculating actual working hours and vacation benefits. Minimum wages are set regionally, not nationally. For example, as of October, the Tokyo metropolitan area minimum wage was $4.16 hourly (at $1.00 = 122 yen). This is the highest regionally set minimum. The minimum wage for Kagoshima prefecture was $3.50, Japan's lowest regional minimum wage. In addition, regions have minimum wage rates for certain industries. These vary from region to region, but they are higher than nonindustry specific regional minimum wage rates. These wage rates are sufficient to provide workers and their families with a decent living. The Ministry of Labor effectively administers various laws and regulations governing occupational health and safety, principal among which is the Industrial Safety and Health Law of 1972.

KIRIBATI

Kiribati's 33 islands, scattered across a wide area of the Central Pacific, total about 750 square kilometers and are populated by about 63,000 people. Most of the people are a Micronesian and Polynesian mixture. Kiribati gained full independence from the United Kingdom in 1979 and became a republic within the British Commonwealth. It has a nationally elected president and a 35-member legislative assembly elected by universal suffrage. Local affairs are handled in a manner similar to the procedures followed in New England town meetings.

The only security apparatus is a small police force headed by a veteran of Scotland Yard. The police are responsible to and effectively controlled by civilian authority.

The economy is very small; the majority of the population is engaged in subsistence agriculture and farming. Isolation and meager resources, including poor soil and limited arable land, severely limit prospects for economic development. Fishing is viewed as one of Kiribati's few economic opportunities

Kiribati society is by its nature egalitarian, democratic, and respectful of human rights. There were no important human rights issues in 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no politically motivated killings.

b. Disappearance

There were no disappearances, nor was there any evidence of people being abducted, secretly arrested, or clandestinely detained.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman or degrading punishment or other such treatment are forbidden by the Constitution, and there were no reported instances of such practices.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains safeguards against arbitrary arrest and detention, which are observed in practice. There is no exile, internal or external.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair public trial is assured by law and observed in practice. The Constitution provides that an accused person be informed of the nature of the offense with which he is charged and be provided adequate time and facilities to prepare a defense. The right to confront witnesses, present evidence, and appeal convictions is

enshrined in law. Procedural safeguards are based on English common law and are generally similar to those in Western democracies. The judiciary is independent and free of governmental interference. There are no special courts for political or security offenses. Kiribati has no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the home is protected in law and respected by the Government. There is no arbitrary intrusion by the State or political organizations into the private life of the individual. Membership in political organizations is entirely voluntary.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press are provided for in the Constitution and observed in practice. Kiribati's radio station and sole newspaper are government owned. Churches in Kiribati also publish newsletters and other periodicals. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Kiribati's Constitution provides for freedom of assembly and association, including the right to form or belong to associations for the advancement or protection of the group's interests. There are no significant restrictions in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Complete freedom of religion prevails in Kiribati. There is no state or preferred religion. Missionaries are free to seek converts and actively do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Kiribati citizens are free to travel within the country and abroad. There are no restrictions on repatriation. Kiribati has no refugees or displaced persons.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government is chosen by the people in free and open elections. Executive authority is exercised by the President, who is elected by the people. Three presidential candidates are nominated by the elected House of Assembly from its members. There is one recently formed political party, which is currently in opposition.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no reported allegations of human rights violations by the Government, and no known requests for

investigations. There are no local nongovernmental organizations which concern themselves with human rights. The Government has not taken an active interest in international affairs, including international human rights matters. Kiribati is not a member of the United Nations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, or national origin. The traditional culture, in which males are dominant, has been an impediment to women taking a more active role in the economy. This is slowly changing, and more women are finding work in unskilled and semiskilled occupations. Statistics on the participation of women in the work force and comparative wages are unavailable. Women have full rights of ownership and inheritance of property. There were no reports of discrimination in the provision of social services by the Government. Kiribati has no significant discrimination based on race, religion, language, or social status. Kiribati society, being fundamentally egalitarian, does not have the privileged chiefly class of some other Pacific island societies.

Section 6 Worker Rights

a. The Right of Association

Kiribati workers are free to organize unions and choose their own representatives. The right to strike is provided for by law. However, strikes are rare, the last one having taken place in 1980. Kiribati has a relatively strong and effective trade union movement. In 1982 the seven trade unions registered in Kiribati merged to form the Kiribati Trade Union Congress (KTUC). It has approximately 2,500 members, most of them drawn from the public service. The KTUC is affiliated with the International Confederation of Free Trade Unions. The Government does not control or restrict the unions. The persons and property of trade unionists are respected.

b. The Right to Organize and Bargain Collectively

Collective bargaining is a guaranteed right. Negotiations are generally nonconfrontational, in keeping with Kiribati tradition. There have been no reports of antiunion discrimination, and no sectors or areas where union activity is prohibited.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Kiribati.

d. Minimum Age for Employment of Children

Kiribati law prohibits the employment of children under age 14. Children age 15 are prohibited from industrial employment and employment aboard ships.

e. Acceptable Conditions of Work

Although legislation authorizing the Government to set minimum wages exists, it has not been implemented yet. The Government has under consideration an International Labor Organization-funded study on procedures for establishing minimum wages.

KIRIBATI

Employment laws also provide basic health and safety standards for the work place. Employers must, for example, provide an adequate supply of clean water for their workers and must ensure the existence of sanitary toilet facilities. Employers are liable for the expenses of workers injured on the job. The Government's ability to enforce employment laws is constrained by a lack of qualified enforcement personnel, a lack it is attempting to remedy by improvements in training of the relevant personnel. Women may not work at night except under specified circumstances (generally in service jobs such as hotel clerks). Women are provided up to 12 weeks of maternity leave and are entitled to not less than 25 percent of their regular salaries during such leave. Nursing women are allowed one-half hour twice a day during working hours to nurse a child.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA*

The Democratic People's Republic of Korea (DPRK), formed in 1948 during the Soviet administration of the northern half of the Korean peninsula, is a dictatorship under the rule of the Korean Workers' (Communist) Party (KWP). The party exercises absolute power on behalf of its leader, General Secretary Kim Il Sung, who is also President of the DPRK. Kim Il Sung, who has been in power for 40 years, has groomed his son, Kim Chong Il, as his successor. The younger Kim has become the second ranking member of the party and like his father is accorded deity-like status.

The North Korean regime subjects the people to rigid controls. For each person the regime establishes security ratings which determine access to employment, schools, medical facilities, and stores as well as admission to the KWP. The rights of the individual are subordinated to the rights of the State and party.

The DPRK Government was responsible for the November 29, 1987, bomb explosion aboard Korean Airlines Flight No. 858, which killed all 115 persons on board. This act by North Korea continued a pattern of terrorism in recent years. North Korean agent Kim Hyong-hui, who was indicted for the bombing, confessed that North Korea's aim was to discourage foreign countries from participating in the 1988 Olympics in Seoul.

The DPRK has a centralized economy under which the State owns the means of production, and the Government directs all significant economic activity. The people have a Spartan standard of living. Despite modest economic progress, North Korea remains a less-developed country with a worsening balance of payments.

North Korea did not improve its poor human rights performance in 1988. The Government imprisons persons who fail to conform to the dictates of the State and often exiles them together with their families to remote villages. No outside information reaches the general public except that approved and disseminated by the Government. Respect for basic human rights and human dignity is scant. The regime permits no independent press or associations.

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*The United States has no diplomatic relations with the Democratic People's Republic of Korea (DPRK). North Korea forbids representatives of governments that do have relations with it, as well as journalists and other invited visitors, the freedom of movement that would enable them to assess effectively human rights conditions there. Most of this report, therefore, is a repeat of previous human rights reports based on information obtained over a period of time extending from well before 1988. While limited in scope and detail, the information is indicative of the human rights situation in North Korea today.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Little information is available on whether politically motivated killing occurs in North Korea. The regime, according to several defectors, has summarily executed certain political prisoners. Internationally, North Korea has been engaged in a 20-year pattern of terrorist attacks directed against South Korea, including the bombing of Korean Airlines Flight No. 858, which killed all 115 people on board.

b. Disappearance

There is no information available on disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

According to the Freedom House 1987-88 Report, "torture is reportedly common" in North Korea. No recent information is available. However, the Venezuelan poet Ali Lameda, whom the authorities detained from September 1967 through 1974, allegedly for attempted sabotage and espionage, stated that Korean prisoners were routinely beaten. Lameda noted that "beating was also used as a means of persuasion during interrogation."

Lameda reported the use of deprivation of food to force "confessions," as well as solitary confinement, continuous interrogation, enforced waking periods, poor or nonexistent medical treatment, and 12 hours of forced labor per day. In addition, the regime denies prisoners family visits, parcels, correspondence, writing materials, newspapers, and clothing changes. In the Government's view, prisoners have no rights.

Much of what Lameda reported was corroborated by Shin Sang-Ok and his wife, Choi Un-Wui (hereinafter referred to as the Shins), the Korean film producer and actress, who reportedly were kidnaped by North Korean operatives and who left North Korea in 1986. Although Shin witnessed no beatings during his incarceration, he heard repeated stories of such treatment. Shin personally experienced many other forms of cruel and inhuman treatment, sometimes amounting to torture, including denial of sleep, starvation rations, and solitary confinement, as well as being required to sit motionless for long periods of time.

d. Arbitrary Arrest, Detention, or Exile

Information on specific criminal justice procedures and practices in North Korea is extremely scarce. North Korea has refused to permit outside observation of its legal system and practices.

North Korean law provides that prisoners may be held for interrogation for a period not to exceed 2 months. This period may be extended indefinitely, however, if the Interrogation Department obtains approval of the Chief Prosecutor. Lameda states that he was detained for 12 months without trial or charge. Government authorities ridiculed his request for a lawyer of his choice and an open trial as

"bourgeois." Shin notes that it is very difficult for family members or other concerned persons to obtain information regarding charges being leveled against an accused person or even where an accused person is being detained. Habeas corpus or its equivalent does not exist in law or in practice.

According to newspaper reports, North Korean defectors in South Korea estimate that in 1982 the regime was holding at least 105,000 "ideological offenders" in 8 major labor camps. The Shins believe this estimate to be understated (some estimates range as high as 150,000 detainees) and state that the plight of political prisoners has worsened over the last few years. As one example, the Shins note that 12 years ago the authorities allowed political prisoners family visitors and gifts, but now deny both. The Shins further report that the Government punishes the families of political detainees for the political beliefs of their relatives. It is not unusual, according to the Shins, for the State to banish entire families to outlying rural regions. Amnesty International (AI) has received unconfirmed reports of arrests of those opposed to heir apparent Kim Chong Il.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law. All courts, however, are responsible to the people's assemblies, which effectively provide arbitrary government control of the judiciary. Article 138 states that "cases are heard in public, and the accused is guaranteed the right to defense; hearings may be closed to the public as stipulated by law." Lameda claimed that he was denied a public trial, as does Shin. Lameda reported that after his first arrest, the regime imprisoned him for a year without a hearing; after his second arrest, he was put through a closed session without benefit of counsel of his choice, or even knowledge of the charges. His tribunal was under the direction of the Ministry of Internal Security, with one person serving as both judge and prosecutor.

The regime did not allow Lameda the right to speak out (other than to admit guilt) or to defend himself. His "defense counsel" represented him by making a lengthy speech praising Kim Il Sung and then requesting a 20-year sentence, which the tribunal imposed after 5 minutes of deliberation. In a 1979 interview with American journalist John Wallach, North Korean Supreme Court Justice Li Chun Uk noted that the defense counsel's job is "to give the suspect due punishment." Open court appears to consist of an announcement of the term of imprisonment, which has already been determined by the Provincial Safety Bureau.

According to AI's 1988 Report, which covers 1987, there were developments in the case of two Japanese citizens detained by the DPRK in 1983. Isamu Beniko and Yoshio Kuriura, captain and chief engineer on a ship which traveled regularly between Japan and the DPRK, were detained after an army sergeant hid on their ship and reached Japan in October 1983. Despite reports that they were tried on February 1987, the Korean Central News Agency (North Korea's official news agency) announced in March that they had not been tried on espionage charges, although an official stated that they would be released if the sergeant was returned. It was announced later

that they were tried on December 24, 1987 in Nampo City Court and sentenced to 15 years' "reformation through labor" for espionage and "abduction" of a North Korean citizen.

The Shins note a distinction between political and common criminals, asserting that the State affords trials only to the latter. North Korea equates "political criminals" with those who criticize the regime. Other reports suggest that political offenses range from sabotage to failing to applaud appropriately at political rallies.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The regime subjects the people to a pervasive program of indoctrination designed to shape and control individual consciousness. Preschool children are drilled in homage to Kim Il Sung and his family, while youths and adults are required to participate in daily ideological training conducted during school or at places of employment. Approximately half the school day is devoted to indoctrination. This is also provided by government-organized neighborhood units for persons who neither work nor go to school. The daily indoctrination requires rote recitation of party maxims and policies and strives for ideological purity. Multiple North Korean security organizations enforce these controls.

According to reports in South Korean journals, the Government prevents Japanese wives of Koreans repatriated from Japan since 1959 from visiting Japan. Because their letters are subject to strict censorship, many have lost contact with their families. Some reports suggest that the Government discriminates against these Japanese wives in other ways, including access to jobs.

Although the Constitution states that "citizens are guaranteed the inviolability of person and residence and the privacy of correspondence," practice is otherwise. Lameda reported that the privacy of his residence was violated and that listening devices were used against him. When the authorities arrested him, they seized and destroyed without warrant all his collected papers and poetry.

The Government has developed a pervasive system of informers throughout the society. In addition, according to the Shins, electronic surveillance of residences is pervasive and it is common practice for neighbors to report on one another. In school, the authorities encourage children to discuss what their parents have said at home. The Government conducts monthly "sanitation" inspections to check on household activities. Each house is required to have portraits of Kim Il Sung and Kim Chong Il.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution states that "citizens have the freedoms of speech, the press, assembly, association, and demonstration," the regime permits such activities only in support of government objectives. Other articles of the Constitution that require citizens to follow the "Socialist norms of life" and to obey a "collective spirit" take precedence over individual political or civil liberties. AI's 1987 Report stated that a range of sources continued to allege

that the rights of freedom of expression and association guaranteed under the International Covenant on Civil and Political Rights, to which North Korea acceded in 1981, were strictly curtailed. According to these reports, persons criticizing the President or his policies were liable to punishment by imprisonment or "corrective labor."

Foreign media are excluded, domestic media censorship is enforced, and no deviation from the official government line is tolerated. The regime prohibits listening to foreign media broadcasts except by high government officials, and violators reportedly are subject to severe punishment. Most urban households have a radio and some have television, but reception is limited to domestic programming. The Government controls artistic and academic works, and visitors report that the primary function of plays, movies, operas, and books is to contribute to the cult of personality surrounding "the great leader," Kim Il Sung, and "the beloved leader," Kim Chong Il.

The Shins, who made a number of movies at the behest of the North Korean leadership, state that movie producers have political advisers who ensure the ideological purity of the final product. Actors must undergo background investigations prior to obtaining a role. They also undergo constant indoctrination.

b. Freedom of Peaceful Assembly and Association

No public meetings can be held without government authorization. There appear to be no organizations other than those created by the Government. The State even prohibits apolitical groups such as neighborhood or alumni organizations. Professional associations exist solely as another method of government control over the members of these organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although the Constitution provides that "citizens have religious liberty and the freedom of antireligious propaganda," the regime, in fact, has severely persecuted Christians and Buddhists since the late 1940's. The regime uses religious organizational facades to proclaim the practice of religious freedom, but appears to have long since purged the original membership. The regime discriminates against persons whose family or relatives once had a strong religious involvement. On October 30, Vatican envoys reportedly celebrated mass before approximately 60 North Koreans at a newly built Catholic Church in Pyongyang.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The DPRK regime strictly controls internal travel, requiring a travel pass for any movement outside one's home village; these passes are granted only for required official or certain personaltravel. Personal travel is usually limited to attending the wedding or funeral of a close relative. Long delays in obtaining the necessary permit often result in denial of the right to travel even for these limited purposes. State control of internal travel is also ensured by a ration system that distributes coupons valid only in the region issued.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Reports, primarily from defectors, indicate that forced resettlement, particularly for those deemed politically unreliable, is common. Permission to reside in, or even enter, Pyongyang, the capital, is strictly controlled. According to Japanese and South Korean press reports, a plan was under way in mid-1987 to relocate forcibly 300,000 of Pyongyang's 1.5 million population out of the capital city in order to boost farm production in the countryside.

Foreign travel is limited to officials or trusted artists and performers. The regime allows no emigration, and few refugees or defectors succeed in fleeing the country. The regime retaliates against the relatives of those few persons who manage to escape. According to Freedom House, "rights to travel internally and externally are perhaps the most restricted in the world: tourism is unknown--even to Communist countries."

In 1959 North Korea began actively encouraging Korean residents overseas to repatriate to "the Fatherland." Some observers estimate that during the next several years over 100,000 overseas Koreans, almost all from Japan, voluntarily repatriated to North Korea. Since then, however, reports of the harsh treatment given repatriates has reached overseas Koreans, reducing the flow to a trickle. Because of their "corruption" by exposure to foreign influences, repatriates are isolated from North Korean society until they can be indoctrinated and their ideological reliability gauged.

North Korea has permitted entry to some overseas Korean residents to visit their relatives, and several have made repeat visits.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There is no mechanism by which the citizenry can effect transitions in leadership or changes in government. The political system in North Korea is dominated by Kim Il Sung, who leads the KWP and also heads the Government. Kim has groomed his son Kim Chong Il to succeed him. Over the last few years Kim Chong Il has been acquiring increasing power and influence. The legislature, the Supreme People's Assembly, has never taken any action other than unanimous passage of resolutions presented to it by the leadership. In an effort to create an appearance of democracy, the DPRK has created several "minority parties." They exist only as rosters of officials who have token representation in the People's Assembly and completely support the government line.

Free elections do not exist in North Korea. Although elections to the Supreme People's Assembly were held in November 1986, and to city and county assemblies in March 1983, in all cases the Government approved only one candidate in each electoral district. According to the government-controlled media, 100 percent of the voters turned out to elect 100 percent of the approved candidates. Such "elections" are an exercise in which people are forced to participate and to approve the Government's candidates. Despite the long and rigorous selection process for membership in the KWP, most party members have no voice in decision-making, serving only to carry out the decrees and "on the spot guidance" promulgated by party leader Kim Il Sung and his top subordinates.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No organizations exist within North Korea to report on or observe human rights violations. North Korea participates in no international or regional human rights organizations.

The Government has not allowed AI or other international organizations to visit North Korea to monitor human rights practices. In late 1988, Asia Watch and the Minnesota Lawyers International Human Rights Committee released a report which concludes that the DPRK has established a comprehensive system of restrictions which consistently deprive its citizens of basic rights and freedoms. A DPRK representative called a preliminary version of the report "full of lies and fabrications," and warned that if it were published, the human rights organizations "will be held fully responsible for all the consequences arising therefrom."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution states that "women hold equal social status and rights with men." However, few women have reached high levels of the party or the Government. Women are represented proportionally in the labor force, and personnel in small factories are predominantly women.

The regime discriminates against the physically handicapped. Handicapped persons, other than war veterans, are reportedly not allowed within the city limits of Pyongyang. The dwarf community has been specifically singled out for harsh treatment; all members of it have been banished to a remote, rural region.

North Korea is a homogeneous country and is relatively devoid of minority groups.

Section 6 Worker Rights

a. The Right of Association

Free labor unions do not exist in North Korea. Because the party by definition purports to represent the interests of labor, trade unions exist in form only. They do not have the right to strike.

b. The Right to Organize and Bargain Collectively

Workers have no right to organize or to bargain collectively.

c. Prohibition of Forced or Compulsory Labor

There is no prohibition on the use of forced or compulsory labor. The Government routinely uses military conscripts for forced labor. The Shins report that conscripts are not told where they will serve or for how long. AI's 1987 Report cites reports that some "political prisoners" were reportedly sentenced to "corrective labor" which could be served at a person's normal workplace (working for part or no wages) or at work in agriculture or mining in areas where conditions are very harsh.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

d. Minimum Age for Employment of Children

No data are available on the minimum age for employment of children.

e. Acceptable Conditions of Work

No data are available on minimum wages, or occupational safety and health. Wages are set by government ministries. The State assigns all jobs; ideological purity, rather than professional competence, is the standard used in deciding who receives a particular job. Laborers have no input into management decisions. Absence from work without a doctor's certificate results in a reduction in a worker's rations. The Constitution stipulates a workday limited to 8 hours, but several sources report that most laborers work from 12- to 16-hour days. The regime's propaganda euphemistically refers to these extra hours as "patriotic labor" done on a "voluntary" basis by the workers.

REPUBLIC OF KOREA

The South Korean Government describes the Republic of Korea (ROK) as a liberal democracy and, in fact, there were dramatic political changes in 1988. In February Roh Tae Woo became the first President directly elected by the people since 1971. At his inauguration, Roh proclaimed that his administration would be committed to democratic reform and political liberalization. In April National Assembly elections were held, and the opposition parties won control of the Assembly. The previous Chun Doo Hwan administration had come to power in a military coup in 1979 followed by an election held under strict martial law conditions and, many Koreans believe, maintained itself in power by strictly suppressing legitimate political dissent. As a result, the Chun regime suffered from a chronic lack of legitimacy in the eyes of most Koreans.

Determined to influence government policies, the current opposition-dominated Assembly played a much more independent role in domestic politics than had previous National Assemblies. In the fall, the Assembly held unprecedented televised hearings into alleged corruption and misdeeds of the former Chun Doo Hwan administration. Eventually, political pressure forced Chun to make a public apology on nationwide television, relinquish his wealth, and retire to the countryside. On November 26 President Roh asked the nation for leniency for Chun, promised to release political prisoners and restore their civil rights, compensate victims of past injustices, and amend the national security laws.

The security services have, for the first time in years, come under public criticism, and the opposition demanded that changes be made in their operations. However, in spite of some marginal changes--agents of the National Security Planning Agency (formerly the Korean CIA) were evicted from their offices in the National Assembly--the Korean security forces remain pervasive. Police are generally well trained and disciplined. While there are still credible reports of the excessive use of force by the police, they appear to be more restrained than in the past.

Korea's political evolution has been buoyed by its dynamic, expanding economy. In the first half of 1988, real gross national product growth registered almost 12 percent. Korea has become the 10th largest trading nation in the world. Labor disputes leading to negotiations have resulted in sizable wage increases over the last 2 years, with per capita income rising in 1988 to about $3,100 from $2,300 in 1986. Although rapid economic growth has eliminated abject poverty, it also has created a number of social dislocations, including a rapid rise in land prices and a severe shortage of housing in the big cities. The Government has recently begun to address some of the major social welfare issues.

Following up on progress made during the last half of 1987, the overall human rights situation continued to improve. The press enjoyed much greater freedom, and articles criticizing the Government appeared frequently. No major cases of torture or politically related killings came to light during the year. The major remaining human rights problem is political prisoners. The Roh Government has shown itself willing to release political prisoners in small groups. However, continued arrests resulted in a stable or slightly increased number of prisoners during much of the year. The Government carried out a major release of prisoners on December 21 and at

the same time restored civil rights to a number of former political detainees. In spite of the growing spread of Western-style, liberal democratic thought, Korean society still places great emphasis on the Confucian ideals of order and conformity. While the pace of positive political change is accelerating and the Roh Government's commitment to democratization seems firm, the evolution of South Korea's democracy is not yet complete.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom from:

a. Political Killing

In contrast to 1987, when one student was tortured to death and one died from wounds suffered when he was hit in the head by shrapnel from a teargas grenade, there were no reported cases of politically related deaths in 1988.

b. Disappearance

In 1988 there were a number of reports of union organizers disappearing temporarily. In most cases these activists were held for a short time by people hired by a company to intimidate, bribe, or sometimes beat them into halting their organizing activities. There is no indication that the Government sponsors these kidnapings. In the most widely publicized case, the June kidnaping of a union activist at Hyundai construction company, the men who carried out the kidnaping and the company executives who ordered it were all arrested. Two executives were indicted and are awaiting trial. The chairman of the company was also charged with complicity in the case, and he too is awaiting trial.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of physical torture in 1988. During the summer a policeman convicted of sexually abusing a female detainee during a 1987 interrogation was sentenced to 5 years in prison. At times the Korean police still use excessive force, particularly when breaking up demonstrations. Police violence was particularly evident in mid-August when radical students attempted to organize a march to Panmunjom to meet with students from North Korea. However, students have been increasingly escalating the level of violence during their demonstrations, throwing Molotov cocktails and using various kinds of clubs. As a matter of policy, the police refrained from using tear gas on student demonstrators (except on one occasion) during the Olympics. Riot police do not carry firearms and rarely conduct baton charges.

Harsh treatment of prisoners still prevails. Many human rights activists report that political prisoners are sometimes deprived of sleep and that prison authorities frequently attempt to intimidate prisoners through severe psychological pressure.

Late in the year the Government announced a prison reform measure. If fully implemented, this reform would allow inmates greater access to books, newspapers, and television as well as allowing them to correspond with and receive visits from anyone they wish.

d. Arbitrary Arrest, Detention, or Exile

Although Koreans are freer to criticize the Government than in the past, Korea's sweeping National Security Law is still used against people who express views the Government considers dangerous. Arrests of students and dissidents under the security laws continued throughout 1988, although apparently in lesser numbers than in years past. Human rights activists put the number of new political arrests at about 400 for the period February through August. According to the Government, 211 "security-related" arrests were recorded during the first 6 months of the year, 48 fewer arrests than for the same period in 1987. This total number includes 46 arrests under the National Security Law, which was 40 fewer than for the same period last year.

Large numbers of students were detained during demonstrations in June and August calling for South/North student talks. Most of the detainees were quickly released, but a number of "ringleaders" were charged with various violations of the National Security Law. Although the Government tentatively began to increase access to materials originating from North Korea, a number of people were still arrested for spreading North Korean propaganda. Among them were the authors of articles on North Korea's Juche philosophy which appeared in various university newspapers in the fall. Some of the students arrested in these cases were freed without trial, while others were tried and given suspended sentences.

Warrants are required by law, but in many cases they are not presented at the time of arrest. Many people are still detained for more than 48 hours without being formally arrested, in spite of a 1985 Supreme Court decision requiring police either to charge or release suspects within that period of time. In such cases police sometimes justify holding people more than 48 hours by claiming that suspects held in police offices--but not in cells--were not actually under detention. Police are also required to notify a suspect's family or lawyer of his or her detention and whereabouts within 3 days of making a formal arrest. By law an indictment must be handed down within 30 days of arrest. However, these requirements are not always observed.

Korean law provides for the right to representation by an attorney. However, not all people are aware of their right to counsel nor are all people able to afford counsel. There is a functioning bail system in Korea, but it does not apply to violators of the security laws. Likewise, habeas corpus, which is not traditional in Korean law and was introduced only after World War II and then abolished for several years during the 1970's, does not apply to those charged with violating the National Security Law.

Korea's "Social Stability Act" gives the Government authority to detain those deemed "socially dangerous" even after they have served their court-ordered term in prison. Under the Act, a judicial panel can order preventive detention for a renewable period of 2 years. The Government maintains that this provision is applied mainly against security-related offenders such as North Korean spies. A similar law, the "Act for the Protection of Society," allows for preventive detention for periods of either 7 or 10 years. The Government says the Act is designed for habitual criminals, the mentally ill, and drug addicts.

Two of the better known prisoners held under the Social Stability Act, Soh Joon Shik and Kang Jong Kon, were released in 1988. Mr. Soh's original prison term had run out in 1978; Mr. Kang's in 1981. The Government refuses on security grounds to reveal the number of people held under the Social Stability Act. However, members of the National Assembly who visited the Preventive Detention Center in Chongju in October said that 42 people are being held there, including North Korean "espionage agents" and "spontaneous Communists." The average age of the prisoners is around 64, and most have been in jail for at least 30 years. In 1988 the Government stopped using preventive house arrest against political opponents as it had commonly done in the past. Summary exile did not occur in 1988. In November President Roh promised to revise the nondemocratic provisions of the National Security Law, the Social Stability Law, and the Social Protection Law. The Government and opposition parties have submitted competing draft bills to the National Assembly.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of a Fair Public Trial

The Constitution (as amended in 1987) provides for many rights to defendants, including a presumption of innocence, protection against self-incrimination, freedom from ex-post facto laws and double jeopardy, and the right to a speedy trial. These rights are generally observed. With some exceptions, trials must be held within 6 months of arrest.

The Chief Justice of the Supreme Court is appointed by the President with the consent of the National Assembly. Other Supreme Court Justices are appointed by the President on the advice of the Chief Justice. Lower Court Justices are appointed by the Chief Justice. In the spring of 1988, a revolt by younger lawyers led to the resignation of the incumbent Chief Justice of the Supreme Court. In July the National Assembly rejected the President's first nominee for the position before agreeing on a compromise candidate.

There have been a number of indications of increased judicial independence since the new Chief Justice was approved by the National Assembly in July. For the first time in the ROK's history, the Chief Justice gave the President no alternate names in submitting a list of nominees for the Supreme Court, and the President approved the list with no changes. The Constitutional Court, established under the 1987 Constitution, began its operations in September 1988 and agreed to rule on the constitutionality of several controversial security-related laws by mid-1989. Appellate courts, responding to suits by two torture victims, have forced the Government to try police officers on torture charges. One case resulted in the conviction of a police officer in 1988. However, there are still questions about the judiciary's independence in politically sensitive cases, such as those involving the relatives of former President Chun Doo Hwan.

Most trials are open to the public, but attendance is occasionally restricted, particularly at political trials. In some cases most of the passes to the courtroom are issued to the police, leaving no room for other interested parties, although families are normally allowed into the courtroom. Judges generally allow considerable scope for examination of witnesses by both the prosecution and defense counsel, but sometimes deny defense requests to call expert witnesses to

discuss the political or ideological leanings of the defendants. The right to an attorney is respected in political cases, although the attorney is sometimes denied permission to meet with defendants until after they are referred to prosecutors by the police or one of the security/investigative agencies.

In lengthy and complex indictments, the relationship between alleged specific acts and violations of particular sections of the penal code is not always clearly drawn. In cases involving both political and criminal charges, this lack of clarity can bring into question the fairness of the proceedings. Political and criminal cases are tried by the same courts; military courts do not try civilians. Defendants have the right of appeal in felony cases, and appeals frequently result in reduced sentences. Death sentences are automatically appealed.

From the inauguration of the Sixth Republic in February through early October, the Government proclaimed a series of amnesties and paroles resulting in the release of over 400 prisoners. In the fall, human rights sources said that a like number of new arrests were made, and the number of political prisoners in Korea still hovered around the 500 to 600 mark.

On November 26, President Roh Tae Woo announced a major release of political prisoners. In early December, the Government freed a number of people under detention but not yet charged with politically related crimes. Then on December 21, the Government released 281 political prisoners, including such well-known dissidents as Chang Ki Pyo, Mun Pu Sik, and Kim Hyon Jang. The Government also restored civil rights to a number of former political detainees and called off police manhunts for those on the wanted list for political offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Many political, religious, and other dissidents are subjected to varying degrees of surveillance by government agents. Telephone tapping and the opening or interception of correspondence are believed to be prevalent. Responding to questions from the opposition during the National Assembly audit, the Government gave details about some of these activities for the first time. For example, the Minister of Communications admitted that 472 officials work at intercepting and reading letters of people targeted by the National Security Planning Agency (NSPA). The opposition responded with promises to enact a law to forbid wiretapping except in bona fide cases of espionage. The ruling party has said that it has no objections to such a law.

Listening to North Korean radio broadcasts is strictly prohibited by law, in spite of the fact that the Government in September relaxed restrictions on access to certain North Korean newspapers and publications. Reading or purveying books or other literature considered subversive, pro-Communist, or pro-North Korea is also illegal. As in previous years, several people--mainly students--were arrested under the National Security Law for these kinds of offenses.

The Constitution requires a warrant issued by a judge upon request of a prosecutor for search and seizure in a residence. Nonetheless, the police at times force their way into a private home or office without a warrant.

The security presence in city centers, near university campuses, government and ruling party offices, and media outlets is heavy. Citizens, particularly students and young people, are sometimes stopped, questioned, and searched. Government informants are known to be posted on and around university campuses. This presence is designed to keep track of political activities on campus, and has been a key complaint of students as well as of many faculty members and administrators.

In most other respects, the Government honors the right of personal privacy and the integrity of the home and family. Parental rights to educate children are broad. Persons thought to have politically suspect backgrounds, however, are still denied some forms of employment and advancement, particularly in government, media, and education. Many human rights activists say that the Government no longer maintains a blacklist, but that the big corporations still retain an informal blacklist system of their own.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although freedom of speech is provided for in the Constitution the expression of ideas which the Government considers to be Communist or pro-North Korean is severely restricted. The expression of less radical opposition points of view is far less restricted than in the past. Articles on previously taboo subjects, such as criticism of the President and his family, now appear with some regularity. The Government has promised to allow greater media coverage of North Korea, while at the same time issuing guidelines for media reporting on it.

Freedom of speech is provided for in the Constitution. In 1988 the Government less rigorously enforced laws restricting the expression of ideas considered to be Communist or pro-North Korean, and has announced that it will amend such laws. Government control over the media, especially the print media, has decreased dramatically. Some institutions remain basically inaccessible to journalists, however, including the military, the National Security Planning Agency, and other government organizations which handle North Korean or Communist affairs.

Under new laws that replaced the basic press law, the Hankyoreh Shinmun, an antigovernment, antiestablishment daily newspaper was launched in May. Staffed by dissident journalists, many of whom had been "purged" under previous governments, the newspaper has a circulation estimated at more than 300,000. Despite the paper's highly critical editorials and provocative reporting, the Government apparently has not attempted to interfere with its operations or its content.

Several new magazines were also introduced in 1988, and as many as 20 new newspapers appeared nationwide by the end of the year, including 10 in Seoul alone. The new law governing the registration of publications, however, serves to prohibit the mushrooming of a number of small publications by setting minimum standards for printing capacity that would-be publishers must meet.

The year 1988 also saw the rise of unions in Korean newspaper and broadcasting organizations. Young journalists in particular see the movement toward unionization as a way to

institutionalize the principles of fair news coverage and independence from both government and management. All major newspapers and broadcasting corporations in Seoul now have labor unions with the exception of the Chosun Ilbo.

The Korean broadcasting industry has not undergone the same degree of change as has the press. Although various proposals to restructure broadcasting organizations have been put forward, no consensus has been reached. Throughout much of the year the Government's influence on most aspects of radio and television remained strong. However, by the end of the year even television programming was freer. A number of panel discussions were broadcast in which participants were critical of government policy. Conservatives have even begun to complain that the pendulum has swung back too far.

In early August, Oh Hong Kun, City Desk Editor of the Joongang Economic Daily, was beaten and stabbed in the leg. Under pressure from the public and the media, an investigation revealed that the perpetrators were members of a military intelligence unit acting under orders from general officers. The attack was apparently intended to intimidate journalists such as Oh, who had written an article highly critical of the Korean military's history of involvement in politics. Many Koreans felt the entire incident revealed much about the country's new state of affairs. The very publication of such an article was a good demonstration of the greater degree of press freedom since the summer of 1987. The attack confirmed to many that old patterns of repression remained. Although the court decided to suspend the sentences against the perpetrators, the Government's actions against the military personnel involved in the affair demonstrated its newfound sensitivity to public opinion.

The Government continues to use the National Security Law against publishers, printers, and distributors for producing or selling "subversive, ideological" literature. In September a number of students were arrested for writing articles on North Korean "Juche" philosophy in their college newspapers. Most of these students were later released outright or given suspended sentences. These cases came at the same time the Government was beginning to allow carefully controlled access to North Korean newspapers.

Academic freedom continues to be subject to political limitations enforced directly or indirectly by the Government. Professors and university administrators are expected to play an active role in preventing campus demonstrations, a task many find objectionable. There is rising sentiment for greater university autonomy. In the spring, the rector of Seoul National University threatened to resign after police came on campus without his permission to arrest students occupying his office. There is also a threat to academic freedom from radical leftist students who physically attack the person or property of professors whose lectures or writings contradict these students' ideology.

b. Freedom of Peaceful Assembly and Association

The law on assemblies and demonstrations prohibits assemblies considered likely to "undermine" public order. The law also requires that demonstrations of all types, including political assemblies, be reported in advance to the police. Violation of the law carries a maximum sentence of 7 years' imprisonment or a fine. However, most peaceful nonpolitical assemblies

take place entirely without official supervision or restriction. In 1988 the Government began to permit a small number of political demonstrations, such as a 2-hour march through Seoul by between 1,000 and 2,000 people on the 35th anniversary of the Korean War Armistice.

However, the Government continues to block many gatherings organized by dissidents and particularly students, arguing that they might incite "social unrest" and are therefore illegal. Student rallies and demonstrations limited to university campuses are generally not blocked, but police usually prevent the students from taking to the streets, and confrontations frequently ensue. These clashes sometimes involve violence on both sides.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state-favored religion in Korea. Generally complete freedom prevails for proselytizing, doctrinal teaching, and conversion. Korea both sends and receives missionaries of various faiths, and many religious groups in Korea maintain active links with members of similar faiths in other countries. The Government and Koreans in general do not discriminate against minority sects. Adherence to a particular faith confers neither advantages nor disadvantages in civil, military, or official life.

Churches and religious groups are subject to most of the restrictions on political activities that apply to other institutions. Many of the most vocal and well-organized critics of the Government are religious in nature; these include Catholic, Protestant, and Buddhist groups. Police continue to enter church property on occasion, either during services or when church property is being used by political or labor activists. Church buildings and grounds are sometimes used as refuge by student activists during clashes with the police, and the police generally respect the principle of sanctuary in those cases.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is universal freedom of movement and freedom to change employment within Korea. Throughout 1988 there was an age limit on overseas tourist travel that prevented such travel for most young and middle-aged people. According to the Government, this policy was designed to save scarce hard currency. In July the Government announced that the dramatic improvement in Korea's economic situation would allow them to lower the minimum age limit. It is expected that the age limit will be dropped completely on January 1, 1989.

A small number of Indochinese refugees continues to be admitted to temporary first asylum in Korea. The refugees are cared for at a camp in Pusan by the Korean Red Cross until they can be resettled abroad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The previous Korean regime--the Fifth Republic, which ended on February 25, 1988--came to power in a military coup followed

by an election held under strict martial law conditions. As a result, the regime suffered from a chronic lack of legitimacy in the eyes of most Koreans. The Sixth Republic came into being in February 1988 following a direct presidential election in December 1987 in which the ruling Democratic Justice Party (DJP) candidate, Roh Tae Woo, defeated three opposition candidates with a plurality of 36 percent of the vote.

Political power in Korea has traditionally been centered in the person of the President, strongly supported by the military and security agencies. With the election of the opposition-dominated 13th National Assembly in April 1988, however, the legislature began to play a much greater role than it did in the past.

As amended in 1987, the Constitution provides for direct election of the President and for a mixed system of both direct and proportional election of national assemblymen. There is as yet no local autonomy in Korea. The President and the Assembly--a total of 294 men and 6 women--are the only elected officials in the country. The Government and the Assembly have vowed to make progress on legislation to increase local autonomy.

The President serves a 5-year term and cannot be reelected. The Assembly's term is 4 years, and under the new Constitution the President has been stripped of his power to dissolve it. Following his election in December 1987, Roh Tae Woo was inaugurated as President on February 25, 1988, marking the beginning of the Sixth Republic.

The April legislative elections were contested by four major and a host of minor parties. As was the case in the presidential election, voting was on the basis of universal suffrage and secret balloting. During the presidential election, there were widespread charges that soldiers in many military units were not allowed to cast their absentee ballots in secret. This does not generally seem to have been the case during the legislative election.

Coming into the April elections, the ruling DJP was confident of victory against a split opposition. However, the ruling party suffered a major defeat when the voters failed to return a DJP majority. At present the three main opposition parties are a majority in the Assembly, although they do not always work together. The minor parties which put up candidates for the legislature were all dissolved after failing to get the minimum required vote.

Since the new Assembly was inaugurated in late spring, it has played a much more independent role than any previous Assembly. Following the spring resignation of the Chief Justice of the Supreme Court, the Assembly refused to confirm the President's first nominee for the position. The Assembly also passed laws on parliamentary inspection of the Government and on the Assembly's right to subpoena witnesses over the opposition of the Government. Following a presidential veto, compromise versions of both bills were worked out. In October the Assembly took a major step towards asserting its position vis-a-vis the Executive, carrying out its first audit of the Government in over 16 years. In November the Assembly began televised hearings on corruption during the Fifth Republic and the Kwangju incident of 1980. These hearings have drawn remarkable public interest, and many credit them with vastly

increasing public consciousness of the constitutional process and political issues.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Republic of Korea does not welcome outside involvement with respect to human rights. Nevertheless, government and ruling party officials have generally been willing to meet with international human rights groups such as Amnesty International, the International Human Rights Law Group, and Asia Watch. The Government also allowed the Kennedy Foundation in May to present its human rights award to prominent dissident Kim Keun Tae (in absentia) and his wife in a ceremony in Seoul. (Kim Keun Tae was later released on June 30.) The Government also did not interfere with human rights-related activities of the international PEN organization during its August conference in Seoul nor with the foreign observers at the hotly contested December 1987 Presidential election.

According to the Government, public prosecutors and the Human Rights Division of the Ministry of Justice are responsible for protecting human rights and investigating violations. The Government has admitted that some human rights problems remain, but argues that it has taken steps to address these problems and that the situation has improved greatly since mid-1987.

The National Assembly and the major political parties all have committees concerned with various aspects of human rights. The issue of the release of political prisoners continued to be a focus of intraparty debate in 1988.

Several politically nonaffiliated private organizations are active in promoting human rights. Chief among these groups are the Human Rights Committee of the Korean National Council of Churches; the Catholic Justice and Peace Committee; the Family Members Movement for the Realization of Democracy (Mingahyop); the Korean Federal Bar Association, and the Korea Legal Aid Center in Seoul. These groups publish reports on the human rights situation in Korea and make their views known both inside and outside the country.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Republic of Korea is a densely populated and racially homogeneous country. There are no ethnic minorities of significant size. Nonetheless, regional rivalries exist in Korea. Many Koreans believe that persons from the southwestern region (North and South Cholla provinces) have traditionally faced some discrimination, and that successive governments led predominantly by figures from southeast Korea (North and South Kyongsang provinces) and other areas have neglected the economic development of the Cholla provinces. In his August 31 meeting with Kim Dae Jung, leader of the largest opposition party in the assembly--a party which has its major base of support in the Cholla region--President Roh Tae Woo promised to make particular efforts to encourage the development of the Cholla region, including an ambitious project for the development of Korea's west coast ports.

REPUBLIC OF KOREA

In Korea, with its conservative Confucian tradition, women are subordinate to men socially, economically, and legally. Some progress has been made: women can vote, become government officials, and hold elected office. All female candidates for the National Assembly lost their races, but six women were able to join the Assembly via the proportional party lists. Women enjoy full access to educational opportunities, and they are being increasingly represented, although still largely at lower levels, in the Government and private sector. In the workplace, women are exposed to discrimination in hiring, pay, and advancement. They are commonly expected to resign when they marry or become pregnant.

Despite a constitutional guarantee of equal rights for men and women, traditional social customs are still reflected in the law, particularly in family law. Although family law has been amended to take out some forms of discrimination, others still remain. Women are legally prohibited from becoming head of household in Korea, although they can hold property in their own name. Should a woman be widowed, her oldest son or grandson becomes head of the household, regardless of age. Within the family, the father has final parental rights over children in a case of disagreement with the mother. Women also do not have equal status in child custody in case of divorce. Women's rights groups are actively campaigning for changes in family law.

In 1988 the National Assembly enacted the Equal Employment Opportunity Law. This sets out the principle of no sex-based discrimination in hiring and wages. It also calls for greater protection for women in terms of conditions of work (e.g., no night work and limits on overtime). However, the law contains no enforcement provisions and has had no practical effect so far.

Section 6 Worker Rights

a. The Right of Association

Although the Constitution provides for workers to have the rights to independent association, collective bargaining, and collective action, in practice this has often not been the case. Strikes are prohibited in government agencies, state or public-run enterprises, defense industries, and certain other enterprises "which have a serious impact on the national economy." During 1988, however, the Government has generally been unwilling to enforce these prohibitions as well as many other provisions of the labor law. Labor laws include complicated notification procedures and 15-day "cooling-off periods" before a strike can be called legally. Only one union is allowed at each place of work. As there is no minimum number of members required to form a union, this facilitates the formation of small, company-controlled unions. Once such a union is formed, it is difficult to replace it with a more representative union.

All unions in Korea must be certified by the Government. However, during a wave of labor unrest in the fall of 1987, a large number of unions were formed and began negotiations with employers before being formally certified. As long as certification was completed eventually, the Government did not attempt to decertify these unions. This marked a complete reversal of past practice. In the fall of 1988, the Government registered the first union federation not associated with the conservative Federation of Korean Trade Unions (FKTU), thus

breaking the FKTU's monopoly. Up until that time, the FKTU had virtual veto power over union registration. Whether the registration of this new federation is a break with the past or simply a single-case exception is unclear.

The FKTU is affiliated with the International Confederation of Free Trade Unions. Most of its constituent unions maintain affiliations with international trade secretariats.

There is no independent system of labor courts in Korea. The Central and Local Labor Committees form a semiautonomous agency of the Ministry of Labor that adjudicates disputes in accordance with the Labor Dispute Adjustment Law. Each labor committee is composed of equal representation from labor, management, and "the public interest." The Local Labor Committees are empowered to decide on remedial measures in cases involving unfair labor practices and to mediate and arbitrate labor disputes. Most disputes are resolved at the Local Labor Committee level.

In 1988 the Government generally stayed out of labor disputes. One exception was a strike by railroad engineers. The Government moved decisively to break this strike, which was illegal under Korean law.

b. The Right to Organize and Bargain Collectively

The Constitution provides for independent association, collective bargaining, and collective action. In practice, however, this has often not been the case. Korea's system of labor laws does not extend the right to bargain collectively to government employees and employees of state or public-run enterprises, defense industries, and certain other key industries. A 1985 law provides that worker rights are not to be handled differently in export processing zones (EPZ's). In practice, equal treatment in EPZ's has been the norm only since the summer of 1987.

Many of Korea's major employers are strongly antiunion. "Save the Company Squads" are employed to beat up union organizers and intimidate workers. Labor activists say they have documentary evidence of at least 30 instances of attacks on union organizers by company-hired strong-arm men. As mentioned in the section on disappearances, there are still cases of labor organizers being kidnaped. While uncommon, there have been cases of violence against property by workers, sometimes resulting in a good deal of property damage.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is not practiced by the Government. A 1987 scandal involving a government-subsidized welfare center for the destitute in Pusan revealed that many inmates were being held against their will and made to engage in forced labor. However, a subsequent investigation indicated that the Government was not directly involved, although there was gross negligence on the part of local officials.

d. Minimum Age for Employment of Children

The Korean Labor Standards Law prohibits the employment of persons under the age of 13 without a special employment certificate from the Ministry of Labor. However, because there is compulsory education until the age of 13, few special

employment certificates are issued for full time employment. Some children are allowed to do part-time jobs such as selling newspapers. In order to gain employment, children under 18 must have written approval from parents or guardian. Minors may be required to work only a limited amount of overtime and are prohibited from working at night without special permission from the Ministry of Labor. Nevertheless, employers often treat those under 18 as "regular" workers, and do not accord them the legal protections to which they are entitled. A large proportion of production line workers in labor-intensive industries such as textiles, apparel, footwear, and electronics are girls in their midteens. These girls work often in small, cramped and sometimes dangerous workplaces.

e. Acceptable Conditions of Work

Korea implemented a minimum wage law in 1988. There is a two-tiered minimum wage system, and minimum wage levels are to be reviewed annually. The minimum wage for some industries like textiles is $150 per month, for other industries it is $158 per month. In many small establishments, below-minimum wages are still paid.

A survey conducted by a team from Seoul National University on commission from the Federation of Korean Trade Unions (FKTU) concludes that a single, urban industrial worker requires a minimum salary of $187 per month and a couple about $354 per month, well above the minimum wage level. However, the Ministry of Labor (MOL) asserts that the average Korean blue-collar worker takes home quite a bit more money than his basic salary. According to MOL, basic pay accounts for only about 65 percent of a worker's total remuneration, with the rest consisting of overtime and bonuses. Current Bank of Korea statistics report that the average monthly wage for industrial workers in the third quarter of 1988 was $481.

Income distribution in Korea is quite good when compared to other countries at similar levels of economic development. In 1985, the top 20 percent of all households earned 43.7 percent of national income, while the lowest 40 percent of all households earned 17.7 percent of national income. Korea's Economic Planning Board estimates that the 1988 average monthly earnings for workers in industrial establishments employing 10 or more persons were $578 per month, up $108 over the previous year. Pockets of urban poverty still remain, but the abject poverty common to many developing countries has largely been eliminated. According to a 1986 government estimate, 6.8 percent of the population lived below the absolute poverty line.

The Labor Standards Law and the Industrial Safety and Health Law provide for a maximum 60-hour workweek, paid overtime, holidays and vacation, and a safe working environment. According to the Government, the average Korean worker works 51.9 hours a week. The Labor Ministry is studying ways to reduce the average workweek to 44-48 hours.

LAOS

The Lao People's Democratic Republic (LPDR) is a totalitarian, one-party, Communist state. The Lao People's Revolutionary Party (LPRP) is the source of all political authority in the country, and the party's leadership imposes broad and arbitrary controls on the population of 3.8 million people.

The LPRP came to power in 1975 after a protracted civil war during which it received strong support from North Vietnam. Vietnam continues to exert great influence over Laos, codified in a 25-year Treaty of Friendship and Cooperation signed in 1977. The number of Vietnamese troops and advisors in Laos, however, has been reduced beginning in late 1987. Of the original 40,000 to 50,000 troops stationed in Laos under the terms of the treaty, that total has been reduced by at least half and possibly more. The U.S.S.R is also very influential in Laos; it is the largest contributor of economic and military assistance. Soviet concepts of perestroika (restructuring) have begun to be accepted in Laos, although the LPRP is seeking its own Lao formulation for its highly underdeveloped conditions.

Established 13 years ago, the LPDR still has no constitution and no published code of law. In 1988 there was a start in this direction with the holding of the first local and provincial elections. All candidates were approved by the LPRP. National elections are scheduled for March 26 1989 with the subsequent convening of a National Assembly to endorse a government-drafted constitution.

The LPDR is one of the poorest countries in the world, with daunting economic development tasks in nearly all fields. The Government's harsh policies, particularly in its first 5 years, combined with difficult economic conditions in general, drove some 325,000 Lao into exile. Among those refugees were most of the educated elite. Economic reforms introduced in late 1986 and accelerated visibly in 1988, designed in part to increase domestic and foreign private investment, have recently begun to have some effect with a wider variety and greater abundance of consumer goods in the markets. However, the standard of living remains extremely low.

While the human rights situation may have improved marginally in 1988, the people enjoy few human rights. There are severe limitations on the freedoms of speech and press, on freedom of assembly and association, and on freedom of movement. The state security apparatus continued to be the principal violator. However, travel restrictions between provinces appeared to have been eased somewhat in 1988 as part of the economic reform program. Also, reeducation camps, which have been the regime's preferred method of inducing obedience, continued to decline in population, and an undetermined number have been closed. Some former camp prisoners have been permitted to obtain passports and exit visas and have been able to travel overseas. In general, information on human rights violations in Laos continued to be difficult to collect and verify.

LAOS

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There have been reports that Lao government and Vietnamese patrols have fatally shot persons fleeing from Laos as well as those entering the country illegally. In those instances in which the LPDR confirms such incidents, it generally claims that the persons were smugglers or suspected members of the Lao resistance.

An unknown number of people are killed annually in combined Lao/Vietnamese military operations against resistance forces. Many of the insurgents appear to be former Royal Lao Army troops and Hmong tribesmen. Both sides are reported to use brutal tactics, with the antigovernment forces attempting assassination and ambush of Lao, Vietnamese, and other Communist military and civilian personnel. There are also recurrent reports of attacks by bandit groups in isolated or interior areas on vehicles bearing government officials and on civilian buses. Official policy calls for the execution of resistance leaders, but no such executions were reported in 1988.

There were reports in July 1988 that a group of Hmong were pushed back from Thailand when they tried to leave Laos illegally; no casualties were reported on this occasion. Casualties from a similar incident involving more than 30 Hmong did occur in November 1987. The Government has denied responsibility for the latter incident, but it did not permit international observers to visit the area, on the grounds that both access and security are difficult.

b. Disappearance

No disappearances were reported in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

A relatively small number of "reeducation" prisoners continue to be held in harsh conditions, but recent details are not available.

d. Arbitrary Arrest, Detention, or Exile

The Government continues to maintain reeducation camps, or "seminar camps," in which persons who served the previous government, or who have offended the current one, are imprisoned. Accurate figures for camp populations are not available, but rough estimates are that between 1,000 to 1,500 persons are still detained. In 1988 government officials claimed, as they have previously, that nearly all soldiers and officials sent to the camps in 1975-76 had been released and that very few remained. The accuracy of that statement cannot be verified. There are accounts, however, that groups of camp detainees were released in 1988. One group of approximately 300 was reportedly released in September 1988, for instance, and in 1988, as in 1987, the release of some categories of detainees appeared to be more regular.

LAOS

Since 1979 conditions in most of the camps reportedly have improved, and a number of the camps have been reported closed.

Most detainees now live in a kind of internal exile in isolated provincial areas with severe restrictions on their freedom of movement. Many reportedly have been assigned to collective farms or construction units inside their former camps. Some are on probation or cannot obtain necessary travel documents. Others who have lost property and families are reported to have remained in areas near the camps to begin new lives.

Those accused of hostility to the regime or of what the Government calls "socially undesirable habits," such as prostitution, drug abuse, idleness, and "wrong thought," are sent to "rehabilitation" centers, usually without trial. Most of these persons have been allowed to return to their homes after periods ranging from a few months to several years of hard labor, political indoctrination, and admission of guilt.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

No code of law exists in Laos. The courts are not independent, and there is no guarantee of due process. The Government has promulgated interim rules and regulations for the arrest and trial of those accused of specific crimes, including armed resistance to the Government. Although the regulations allow an accused person to make a statement presenting his side of the case, they provide no real opportunity for the accused to defend himself and do not permit bail or use of a freely chosen attorney. Rather, the Government has issued instructions on how to investigate, prosecute, and punish wrongdoers. These instructions are applied capriciously and inconsistently. People can be arrested on the unsupported accusations of others and detained while the accusations are being investigated, without being informed of the charges or of the identities of the persons making the accusations. Investigations often take a long time unless family members and friends take a strong interest in the case. Government officials and their families easily can influence the judgments reached. There is some provision for appeal, although important political cases tried by "people's courts" are without an appeals process. Death sentences must be approved by the Council of Ministers. Lao regulations call for judgment to be given in public. This generally amounts to a public announcement of the sentence and not a true public trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Search and seizure are authorized by the security bureaus themselves rather than by an impartial judicial authority, and government regulations, which are not always followed, provide little protection for the persons affected. International and domestic mail is selectively opened on a routine basis. Mail from China and non-Communist countries is particularly suspect. Telephone calls frequently are monitored. Privately owned land may not be sold but may be inherited. Inheritances cannot be passed on to relatives who have left the country as refugees and acquired another nationality.

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The Government makes no attempt to stop Lao from listening to foreign radio stations such as the Voice of America, nor from setting up antennas to bring in Thai television from across the Mekong River. The state security apparatus monitors family life extensively through a system of neighborhood wardens and informers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Public expression of opposition to the Government is not permitted, and persons who indulge in such activity have been jailed. Newspapers and the state radio are subservient to the LPRP and to the Government, reflecting only their views. Ordinary Lao citizens may not import foreign newsmagazines or books; censorship is strict. Academic freedom does not exist.

b. Freedom of Peaceful Assembly and Association

The Government controls all meetings and, except for religious, athletic, and communal events, organizes them. Individuals do not have the right to join together to promote nonregime-sponsored activities nor to protest government policies. All associations--such as those for youth, women, workers, and a "peace organization"--are officially authorized to exercise government control and disseminate government policy. All professional groups are organized by the party, and their leadership is ordinarily drawn from party ranks. Lao associations are permitted to maintain relations with like-minded politically acceptable organizations in other countries, particularly those in Communist countries. Ordinary Lao citizens are permitted association or contact with foreigners only in unusual circumstances, usually involving their work.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Nearly all Lao are Buddhists or, in the case of most highland groups, animists. In official statements, the Government has recognized the right of the people to free exercise of religious belief as well as the contributions religion can make to the development of the country.

Many Lao believe, however, that the Government is engaged in a long-term effort to subvert the role of religion because it considers the maintenance of temples and the activities of monks nonproductive and because it objects to an active group with an independent system of beliefs. This effort includes carefully controlling the education of young monks and compelling the Buddhist clergy to propagate elements of Marxist-Leninist doctrine. Further, since 1975, the Government has periodically taken over Buddhist and Christian places of worship for use as government schools, offices, and fire and police stations, as well as for political indoctrination centers and warehouses. Nonetheless, since the Third Party Congress in 1982, the Government has eased its stand on Buddhism. While it has not, so far as is known, contributed to the restoration of temples and religious institutions, it has not opposed efforts of the faithful to do so.

Monks remain the only social group still entitled to special honorific terms of address, which even high party and government officials continue to use. Buddhist clergy are prominently featured at important state and party functions. Religious festivals are permitted to take place without hindrance. The Government has not objected to young people entering into religious orders for short periods.

Links may be maintained with coreligionists and religious associations in other countries only in cases approved by the Government, usually involving other Communist countries. Most traditional links to Thai Buddhists have been severed. Missionaries are not formally banned from entering Laos to proselytize, but in most cases they are denied permission. Many top party officials still participate in religious ceremonies, but members of the military are forbidden even to have Buddhist funerals.

Roman Catholics and Protestants are permitted to worship, but the activities of their churches are closely monitored. Vatican officials visited Laos in 1987 to meet with the Bishop of Vientiane, as well as with local church and government officials. Attendance at Christian services continues to require discretion, although less so in 1988 than in 1987. The Government tries through the media and other means to persuade highland minority groups to abandon their "old-fashioned" animist beliefs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Lao citizens must obtain permission from the authorities for all internal travel of any distance and in all cases when crossing provincial boundaries. Non-Lao residents in Vientiane must obtain permission to travel outside it. Permission is now easier to obtain than before, but is by no means automatic. Government officials have cited threats of "disorders" created by "reactionary elements" as the reason for the restrictions.

Foreign travel is permitted for officials, students in government-approved programs, and some others who have access to foreign exchange. Few Lao are permitted to study or train in non-Communist countries, even at their own expense, but the number has been increasing. Exit visas, which are required, are not easy to obtain, but restrictions have been eased over the past 2 years. For pensioners, the elderly in general, and those with hard currency, it seems less difficult to obtain exit visas than in the past, and the number of travelers to the West and to the United States has increased sharply, although the absolute numbers are still small. Border crossing permits are available for those with business in Thailand. The number of permits increased in 1988 in keeping with the opening of additional border trade locations and the reduction in the number of items restricted by the Thai Government for trade with Laos. The permits are not, however, granted automatically and may be denied arbitrarily.

Legal emigration is rarely authorized for ethnic Lao. To guard against emigration, those permitted to travel must often leave their families behind as a guarantee of their return. Since 1975 over 325,000 Lao have registered as refugees in Thailand. An unknown number have crossed the border and simply settled with relatives or kindred ethnic groups.

Some of those fleeing are fired upon and killed by border patrols as they attempt to cross the Mekong River. Government authorities have imprisoned many Lao seeking to leave the country illegally.

The Lao and Thai Governments have agreed to take back, on a case-by-case basis, those of their respective citizens who have illegally crossed into the other country and now wish to return home. Since May 1980, when agreement was reached with Thailand and the United Nations High Commissioner for Refugees (UNHCR) on a voluntary repatriation program, over 3,100 Lao have voluntarily returned to Laos under the auspices of the UNHCR. Those accepted for return receive several days of political indoctrination and then are released to return to their homes, where they are placed under the control of village authorities. The UNHCR provides basic necessities for the returnees and monitors their treatment and living conditions thereafter. There appears to be no official harassment or maltreatment of these voluntary returnees, and UNHCR officials have not been prevented from visiting them. In addition, perhaps as many as 10,000 persons have repatriated themselves without official involvement.

The Lao Government has also agreed in principle to take back Lao in Thailand whom the Thai have determined do not meet the requirements for refugee status. Procedures for the return of these "screened-out" Lao were worked out between the two countries in late 1986, and since that time a total of 44 have returned.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Laos is ruled by a small elite of the LPRP, the sole party. There is neither freedom to participate in politics outside the party nor popular choice of policies or officials. The first public elections held by this government occurred this year. Voters throughout Laos cast ballots for their district representatives on June 26. Under the electoral regulations published in April, voting was mandatory and, while all candidates did not have to be members of the LPRP, the winners, with rare exceptions, were. While no other party was permitted to organize, there were more LPRP candidates than seats. The same set of rules were applied in the provincial-level elections held November 20, and reportedly will be applied in the national-level elections scheduled for March 26, 1989.

A large number of women were elected in the June district-level elections (just over 10 percent in the capital).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Laos generally does not cooperate with private international organizations interested in human rights. However, it does occasionally permit visits by officials of international humanitarian organizations if the purpose of the visit is not specifically related to allegations of human rights violations.

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Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Approximately half of the population in Laos are ethnic Lao, also called "lowland Lao;" 20 percent are tribal Thai; 15 percent are Phoutheung (or Kha); and another 15 percent are other highland groups (Hmong, Yao, and others). The Government is attempting to integrate these groups through voluntary programs and to overcome traditional antagonism between lowland Lao and minority groups.

The Hmong are split on clan lines. During the years of insurgency, many were strongly anti-Communist; others sided with the Communist Pathet Lao and the Vietnamese. The Government is repressive toward all groups that fought against it, especially those continuing to resist its authority by force. The Hmong tried to defend some of their tribal areas after 1975, and some continue to support anti-LPDR resistance groups. Vietnamese and Lao armed forces conduct military operations against the minority-based resistance groups in the north and the resistance forces from lowland Lao groups, mainly in southern Laos.

The Government wants to resettle in the lowlands some ethnic minorities who now inhabit mountainous areas. After resettlement they would be under closer government control and engage in settled agricultural production rather than present slash-and-burn techniques. For this purpose, the Government has reportedly relied on a voluntary program based on material inducements.

The situation for local ethnic Chinese has been marked by government suspicion and surveillance in the period after 1979 when Sino-Lao relations deteriorated seriously. Relations have improved, however, and were normalized in 1988. A majority of the Chinese community departed in the post-1975 period, largely for economic reasons. Those who remain have maintained government-approved Chinese schools in Vientiane and Savannakhet and Chinese associations in several provincial capitals.

Traditionally, women in Lao society have been subservient to men and often discouraged from obtaining an education. Today, the active, government-controlled Lao Women's Federation has as one of its stated goals the achievement of rights for women equal to those of men. The Government claims that a higher percentage of women make up the school population now than before 1975, and that women are being encouraged to assume a greater role in economic and state-controlled political activity.

Section 6 Worker Rights

a. The Right of Association

The number of workers in the wage economy is extremely small, overwhelmingly state employed, and very poorly paid. Labor laws do not exist. Labor unions exist but are small and have no right to strike. All unions are controlled by the Federation of Lao Trade Unions, which in turn is controlled by the LPRP. The Federation is a member of the World Federation of Trade Unions; Laos is a member of the International Labor Organization (ILO), sends delegations to ILO meetings, and receives some technical assistance from that organization.

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b. The Right to Organize and Bargain Collectively

Unions play no discernible role in ameliorating the abysmally low salaries and wages, for instance, of public employees, the largest single category of employment. Under the recently published foreign investment code, some worker rights are guaranteed, such as the right to have job responsibilities defined, to be paid for that job and not another, to be paid more for overtime, and for overtime to be approved by the Lao authorities as well as the investor, whether Lao or foreign. How these regulations will be observed in practice is not yet known. There are no economic incentive zones or special industries where labor standards differ from those elsewhere in the country.

c. Prohibition of Forced or Compulsory Labor

There is no general pattern of forced labor in Laos. Prisoners in "reeducation" camps, or in prison camps (the former for "ideological" crimes, the latter for "economic" or "social" offenses) are expected to do hard labor. In addition, there are reports that some of these prisoners, when released, are restricted to the general area of the camp (always in rugged and mountainous terrain) and there expected to work on state enterprises.

d. Minimum Age for Employment of Children

There is no minimum age for employment of children.

e. Acceptable Conditions of Work

Workplace conditions are not systematically exploitative, but they sometimes fail to protect workers adequately against sickness or accident. There is no specific system of laws or regulations relating to worker safety. Working hours do not exceed 48 hours a week, except during urgent roadbuilding or construction projects. It is unclear whether such urgent labor is compulsory. Wages are low, particularly in the state sector and are, in fact, not sufficient to live on unless supplemented by other sources of income. Some, but not all, workers receive paid vacations of 2 weeks.

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Since independence in 1957, Malaysia has had a parliamentary system of government based on free elections contested by several parties, almost all of which are racially based. Malaysia is a multiethnic society, with Malays comprising a bare majority of the population, and the remainder consisting of Chinese (about 33 percent), Indians (about 10 percent), and several smaller minorities. The ruling National Front (composed of three major and several minor parties) has won a two-thirds or better majority in the federal Parliament in all seven general elections since 1957, but opposition parties are active and vocal participants in the political system and occasionally hold power at the state level. A strong free market economy, abundant natural resources, and a relatively small population have helped Malaysia become one of the most prosperous of the developing countries.

Internal security remains a concern in Malaysia. A major Communist insurrection that began in 1948 and peaked in the early 1950's still smolders in a few border areas, several hundred persons reportedly died in intercommunal rioting following the 1969 national elections, and the Government has explicitly classified the country's serious drug problem as a threat to national security. The Government cites all three of these factors as justification for laws allowing preventive detention of persons suspected of subversive activity or drug trafficking. Other laws empower the Government to restrict the right to free expression and association.

Important human rights concerns in Malaysia in 1988 related to continued detention of some government critics and restrictions on freedom of association, freedom of the press, and the independence of the judiciary. Until the end of 1987, Prime Minister Mahathir's administration had been comparatively restrained in its use of Malaysia's Internal Security Act (ISA). By mid-October 1987, the number detained under the ISA had been sharply reduced to about 25 from 500 when Mahathir took office in 1981. However, in late October and early November 1987, in an effort it said was necessary to avoid serious racial strife, the Government detained 106 more persons under the ISA, closed 3 newspapers, and banned all public assemblies. By November 1988, all but 16 of those detained in October and November of the previous year had been released, and the 3 newspapers were publishing again. However, among the remaining detainees were five Members of Parliament, including several top leaders of the major Chinese-based opposition party.

In 1988 Parliament amended the Constitution and several laws in ways that limit judicial review of executive actions. In addition, the Lord President (equivalent to Chief Justice of the U.S. Supreme Court) was dismissed by the King following an investigation by a special tribunal, composed of Malaysian and other Commonwealth judges, into charges of improper behavior. The Government charged the Lord President, among other things, with displaying bias and prejudice against the Government in speeches dealing with the independence of the judiciary. Five Supreme Court Justices were subsequently suspended for activities associated with the case. Acting on the recommendation of a special tribunal convened to hear the case against the five justices, the King ordered the immediate reinstatement of three of the justices and the dismissal of the other two.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings by the Government or by any other organization.

b. Disappearance

There was no evidence of abduction, secret arrests, or clandestine detention attributable to the Government or to nongovernmental or opposition forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There was no evidence of torture. Allegations of cruel, inhuman, or degrading treatment or punishment are rare, although several Malaysian citizens who were detained by the Government in October 1987 claim that they were mistreated by security authorities, especially during the initial stage of their detention. Their allegations included charges of sleep deprivation, threats and verbal abuse, and, in at least one case, beating.

d. Arbitrary Arrest, Detention, or Exile

The Government can detain suspects without benefit of judicial review under three laws: the 1960 Internal Security Act (ISA), the Emergency (Essential Powers) Ordinance of 1969, and the Dangerous Drugs Act of 1985.

The 1960 ISA, adopted by the British during the Communist insurgency of the 1950's, is aimed at controlling internal subversion. It empowers the police to hold for up to 60 days any person who may act "in a manner prejudicial to the security of Malaysia;" further detention (in renewable 2-year segments) must be authorized by the Minister of Home Affairs. The Minister must inform detainees of the charges against them and give them the opportunity to protest those charges to an advisory board. The advisory board reviews each case at least every 6 months. However, advisory board decisions and recommendations are not binding on the Minister. Since the recommendations of the advisory boards are never publicized and are often not revealed to the detainee, it is difficult to generalize about the regularity with which the recommendations are accepted by the Government. It is believed, however, that a recommendation to release a detainee is normally followed, although sometimes with a delay of a month or two.

Prior to the ISA detentions of October 1987, the number of long-term ISA detainees had dropped from nearly 500 in 1981 to about 25. In October and November 1987, however, Malaysian authorities, citing the need to act to avoid serious racial strife, detained another 106 persons, including government and opposition Members of Parliament, social critics, academics, environmentalists, and religious activists. By November-October 1988, all but 16 of these detainees had been released. Some of those released are subject to various types of restrictions such as requiring them to report to the police periodically, to remain in their homes at night, or to refrain from engaging in political activities. In addition, in 1988,

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9 Malaysians from Sarawak and 23 from the northern States of Kedah and Perwak were arrested under the ISA as arson suspects and remain in custody. It is estimated that there are about 100 persons currently under ISA detention, including 16 of the group of 106 detained in October 1987.

In July 1988, the Parliament amended the ISA to place additional limitations on judicial review of detentions. The amendments validate detention orders regardless of textual inaccuracies in place or fact and prohibit legal challenges to detention orders. These amendments do not, however, proscribe judicial review of the October 1987 detention orders.

The Emergency (Essential Powers) Ordinance of 1969 stemmed from that year's communal riots. The State of Emergency declared at that time has never been rescinded, although Parliament regained its legislative power in 1971. The Emergency Ordinance gives the Government the power to detain anyone "in the interests of the public safety or the defense of Malaysia." As under the ISA, detainees must be informed of the charges against them, and they can appeal to an advisory board. Prior to amendments in 1988, the Government could detain suspects under the Emergency Ordinance for a maximum of 2 years. The 1988 amendments to the legislation, however, allow the Minister of Home Affairs to extend the period of detention, validate detention orders with defects, and prohibit legal challenges to the detention orders. In previous years, the Emergency Ordinance was used by Malaysian antinarcotics authorities to detain suspected drug traffickers, but, since enactment of the Dangerous Drugs Act of 1985, the Emergency Ordinance is no longer used for this purpose.

The Dangerous Drugs (Special Preventive Measures) Act of 1985 was enacted by Parliament to give the Government a specific law under which suspected drug traffickers can be detained. Suspects can be held under this law for successive 2-year periods. However, certain due process safeguards not found in the Emergency Ordinance and the ISA were incorporated in the antidrug law. The police report on the detention must be submitted to an "inquiry officer" who then sends his views on the detention to the Minister of Home Affairs. Also, the opinion of the advisory board, following either its initial hearing or its periodic review of each case, is binding on the Minister. It is believed that about 890 suspects were in detention under this statute as of August 1988. As with the other two security statutes, the Dangerous Drugs Act was amended in 1988 to validate detention orders with certain defects and to prohibit legal challenges to detention orders.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Ordinary (nonsecurity-related) civil and criminal cases are tried under a fair and open judicial system derived from British jurisprudence. Charges must be levied against a defendant within 24 hours of arrest, and police must decide within 14 days whether to bring the case to court. Defendants have the right to counsel, and lawyers are able to represent clients without penalty to themselves. Bail is available, and strict rules of evidence apply in court. Defendants may appeal lower court decisions to the federal courts and, in criminal cases, may also appeal for clemency to the King or local state rulers, as appropriate.

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Persons detained under internal security legislation and for certain classes of crimes, if their cases are brought to trial, are tried under special procedures contained in the Essential (Security Cases) Regulations of 1975. The accused is allowed counsel but sometimes does not receive a statement of the evidence prior to the trial; trial is by a single judge without a jury; and witnesses may be examined in the absence of the accused. Admissible evidence includes hearsay and secondary evidence, testimony of children and spouses, self-incriminating statements to police, and information from seized records or communications. If the accused is found guilty, the judge must impose the maximum penalty.

The Malaysian judiciary has traditionally been regarded by the public and the legal community as committed to the rule of law. The judicial system has exhibited over the years an unusual degree of independence, not hesitating to rule against the Government in criminal, civil, or occasionally even major cases with political ramifications. An example of the latter was the High Court ruling in February 1988 that the dominant party in the Government coalition was illegally constituted.

The Constitution was amended in 1988 to delete the clause vesting judicial power in the courts and substitute a clause stating that the jurisdiction and power of the courts are "conferred by or under Federal Law." Although the practical ramifications of this constitutional amendment have not been tested, some members of the legal community charge that this amendment strips the judiciary of its constitutional basis of authority, making it wholly dependent upon specific legislation passed by Parliament. Another constitutional amendment increases the discretion of the Attorney General to determine where court cases initiated by the Government are heard.

In another development affecting the judiciary, the Lord President of the Supreme Court was dismissed by the King on August 8 following the recommendation of a tribunal which heard the Government's charges against him. These included bias and prejudice in speeches critical of the Government and writing a letter to Malaysia's King raising objections to the Prime Minister's criticism of the judiciary, thereby creating misunderstanding between the Prime Minister and the hereditary rulers. Five Supreme Court Justices were suspended for their actions related to the Lord President's case. A second tribunal appointed by the King ordered the immediate reinstatement of three of the justices. The other two were dismissed from office. Critics charge that one result of such actions will be to reduce considerably the inclination of judges to act independently of executive authority. The High Court Order of October 6, 1988, releasing ISA detainee Jamaluddin Othman is, however, an indication of continued judical willingness to disagree with the Malaysian Government on important issues.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Generally, these rights are protected by law. However, under the security legislation described above, the police may enter and search without warrant the homes of persons suspected of threatening national security and confiscate evidence from them.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for free speech and, in practice, there are very few constraints on the freedom of expression in conversations or private communications. There are, however, some important limitations on freedom of speech and press. For example, the Constitution also provides that freedom of speech can be restricted by legislation "in the interest of security... (or) public order." Thus the Sedition Act Amendments of 1970 prohibit public comment on constitutionally protected but "sensitive" issues such as citizenship rights for non-Malays and the special position of Malays in society. Since 1970, however, the Government has brought only a few cases under the Sedition Act, and in the most recent incident in 1986 the defendant, the President of the Bar Council, was acquitted.

The Constitution also provides for freedom of the press. A wide range of fact and opinion is available to the Malaysian public in newspapers and magazines published in all of the country's four major languages: Bahasa Malaysia, English, Chinese, and Tamil. Major international and regional news publications also circulate freely. However, this freedom has been subjected to important limitations. By virtue of the Printing Presses and Publications Act of 1984, all domestic and foreign publications must apply annually to the Government for a permit. In December 1987, the Parliament amended this act to broaden the legal definition of "malicious news" and make its publication a punishable offense, to expand the Government's power to ban publications which "alarm public opinion," and to prohibit court challenges to suspension or revocation of publication permits. An additional inhibiting factor is that the Government or the business arms of the leading political parties in the ruling coalition own almost all the major newspapers as well as all the radio and television stations. At the time of the ISA detentions in October 1987, the Government revoked the publication permits of three newspapers: The Star (English), The Sin Chew Yit Pao (Chinese), and the Watan (Bahasa Malaysia). Although this revocation order was rescinded in March 1988 and all three newspapers are now being published, the revocations and the series of legislative amendments described above have resulted in significant self-censorship by journalists and editors of the daily newspapers. Nevertheless, opposition parties, social action groups, and a number of private publications regularly provide detailed coverage of opposition political activities and print viewpoints strongly critical of the ruling coalition and its policies.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of freedom of peaceful assembly and association, although limitation of those rights is permitted in the interest of security and public order. Thus the 1967 Police Act requires police permits for large public assemblies. In practice, until October 1987, few such gatherings, even for specifically political purposes, were prohibited. In October 1987, the Government banned all unauthorized assemblies. In 1988 there appeared to have been some loosening of the enforcement of Police Act restrictions allowing open campaigning by government and opposition candidates in a parliamentary byelection in August. Other statutes limit the right of

association, such as the Societies Act of 1966, under which the Government can refuse registration to organizations which comment unfavorably on political or public issues. The threat of deregistration under the Societies Act tends to inhibit lobbying by public or special interest organizations, but it does not suppress such activity entirely. April 1988 amendments deleted a section of the Act which made an entire society illegal if a branch is illegal, gave the registrar of societies additional power to restrict inspection of its documents, and made it a crime to render assistance to illegal societies. Another law affecting freedom of association is the Universities and University Colleges Act, which requires government approval for student associations and prohibits such associations from engaging in political activity.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The official religion of Malaysia is Islam, and ethnic Malays are legally bound in some civil matters, e.g., family relations and diet, by Islamic religious laws administered by state rather than by federal authorities. An Islamic religious establishment is supported by government funds, and it is government policy to "infuse Islamic values" into the administration of Malaysia. However, the Constitution guarantees freedom of religion, and the Government has refused to accede to pressures for the imposition of Islamic religious law beyond the Muslim community. Religious minorities, which include large Hindu, Buddhist, Sikh, and Christian communities, practice their faith with minimal interference by the Government. There are persistent allegations, however, that some state governments have been slow in approving building permits for non-Muslim places of worship. Also, the Government has limited the circulation of a popular translation of the Bible in Bahasa Malaysia. Conversion to religions other than Islam is permitted but not encouraged; proselytizing of Muslims is, and has long been, proscribed by law in some states and strongly discouraged in other parts of the country.

Government sensitivity on religious questions was evident in the October 1987 ISA detentions of several Muslim and Christian teachers and activists. In March 1988, the Government released a "White Paper on the ISA Arrests" in which it asserted that some Muslim groups were creating confusion in the Muslim community by exaggerating the extent of Christian efforts to convert Muslims. The White Paper also said that a pastor of a local church who was detained in October 1987 had attempted to convert Muslims to Christianity, a practice which has been strongly discouraged for many years. The pastor has since been released. In addition, the White Paper asserted that some local Christian groups were guilty of subscribing to the "liberation theology concept upheld by the Marxist group." In response to the White Paper's charges, the Christian Federation of Malaysia argued that there are fundamental differences between Marxism and liberation theology, as accepted by the Vatican, and categorically denied any connection between its members and Marxist groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Aside from some former ISA detainees who have been released with special restrictions placed on their movements, the

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Government places no restrictions on the people's right to travel within the country and live and work where they please. There are also no known government restrictions on emigration. Since there are no known Malaysian refugees in other countries, there is no problem of repatriation. Although there have been a few cases of Malaysian citizens being denied passports on security grounds, Malaysians are generally free to travel abroad. There are some restrictions on travel by Malaysians to certain countries, such as Israel, South Africa, China, and some Soviet Bloc countries.

Malaysia has provided first asylum to more than 230,000 Vietnamese refugees since 1975. It has cooperated closely with international organizations and resettlement countries in facilitating the eventual movement of the refugees to third countries. Vietnamese refugees continue to arrive and be accepted at Malaysian camps at a rate of 6,000 to 13,000 per year (an estimated 13,500 in 1988) despite significant domestic opposition to Malaysia's traditional open door refugee policy. In April 1988, the Government announced its intention to phase out its major Indochinese refugee camp sometime in 1989 and its desire to convene an international conference on refugees under the auspices of the U.N. High Commissioner for Refugees (UNHRC). Malaysia itself has resettled over 8,000 Khmer Muslim refugees, but has not accepted non-Muslim refugees for permanent settlement. According to government figures, more than 40,000 Philippine Muslims have legally settled in the state of Sabah since 1975.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Malaysia's parliamentary system is based on the British model. The Prime Minister and Cabinet are responsible to Parliament, from which they are drawn. National parliamentary elections, which the Constitution requires at least every 5 years, have been held regularly since independence in 1957 and have included opposition candidates actively contesting parliamentary seats. In addition, there are regular state and local elections involving candidates from several political parties. The opposition concedes that elections to date have been free and fair; votes are cast secretly and recorded accurately.

Through the United Malays National Organization (UMNO), Malays dominate the ruling national front coalition of ethnic-based parties which has controlled Parliament since independence. However, non-Malays fill a number of cabinet posts. In August 1986, the National Front won 148 of the 177 seats in the House of Representatives. Although the opposition regularly criticizes government policies within and outside Parliament, government positions generally prevail. Since 1957 there has been a peaceful transfer of power in the Office of Prime Minister three times, twice through resignation and once through death.

In the most recent parliamentary elections, nine women won election to the Parliament. In addition, 10 women serve as Senators, 2 as ministers in the Government, and 3 as deputy ministers.

Opposition parties such as the Islamic Party of Malaysia (PAS), have occasionally gained control of state governments. Non-Malay parties have also controlled state governments; for example the ruling party in the important state of Penang is

largely Chinese-based, and in Sabah a predominantly Christian party is currently in power. In an important Parliamentary byelection in August 1988, a former UMNO Member of Parliament running in opposition to the Government was elected by a large majority.

Eleven members of Parliament, 10 from opposition parties and one from the Government coalition, were included among the persons detained in October and November 1987. Five Members of Parliament from the opposition Democratic Action PArty (DAP), including the party leader and other top officials, remain in detention. Based upon the Societies Act, which proscribes detainees from holding office in legally registered societies, the Registrar of Societies has ruled that the five DAP leaders still in detention cannot continue in their party offices. The Government maintains that the DAP parliamentarians were detained in order to prevent an outbreak of communal violence like that which occurred in 1969.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government rejects criticism of its human rights record by international human rights organizations and foreign governments and maintains that it is the duty of Malaysia's citizens and media to counter efforts by outsiders to "tarnish the country's image". Officials also criticize local groups for "collaborating" with international human rights organizations in their studies of the human rights situation in Malaysia. Nevertheless, representatives of international human rights organizations have visited and traveled freely in Malaysia and are able upon request to meet with relevant government officials. In 1988 the Government permitted delegations from the International Committee of the Red Cross and the Human Rights Commission of the International Parliamentary Union to meet with ISA detainees as well as with relevant government officials. In addition, American officials and officials from other governments have met in Malaysia with their Malaysian counterparts to discuss human rights questions.

While there are currently no organizations in Malaysia which deal specifically with the protection of human rights, in December a group of prominent citizens, including two former prime ministers, declared its intention to establish one. At present, a number of organizations, including the Bar Council and various public interest groups, devote some time to human rights activities. The Government tolerates their activities but rarely responds to their inquiries or occasional press statements. The Government has not acceded to any of the international covenants on human rights, generally maintaining that such issues are internal matters.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Government implements on an extensive scale programs designed to boost the economic position of the ethnic Malay majority which remains poorer, on average, than other Malaysians despite its political dominance. These government programs and policies limit, in varying degrees, opportunities for non-Malays in higher education, government employment, business permits and licenses, and ownership of new homesteads.

MALAYSIA

There are no laws or regulations restricting the political and economic rights of women. Government policy supports their full and equal participation in government, education, and the work force. Women hold prominent positions in all sectors of the economy. The position of women in society is conditioned by the cultural and religious traditions of the country's major ethnic groups. With a general resurgence of Islamic piety among Malays, many Malay women have in recent years tended toward close conformity with Koranic stipulations on women's roles.

Section 6 Worker Rights

a. The Right of Association

The Trade Unions Act of 1959 and the Industrial Relations Act of 1967 govern the right of workers to engage in trade union activity. Unions may organize workplaces, bargain collectively with an employer, form federations and join international organizations. The Industrial Relations Act specifically prohibits any person from interfering with, restraining, or coercing a worker in the exercise of the right to form or participate in the lawful activities of a trade union.

The Trade Unions Act, which is administered by the Registrar of Trade Unions, sets rules for the organization of unions, their recognition at the workplace, the content of their constitutions, election of their officers, and their financial reporting requirements. (Parallel acts set the rules for companies and societies.) The Act's definition of a trade union restricts it to representing workers in a "particular trade, occupation, or industry or within any similar trades, occupations, or industries." The Committee on Freedom of Association of the International Labor Organization (ILO) concluded that the free choice of unions to which workers wish to belong should not in any way be limited by administrative authorities' interpretations of union rules insofar as these determine the scope of their membership.

Some critics of the Government's policy toward labor unions, notably the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and Asia Watch, believe that the arrest of V. David under the ISA in the government crackdown late in 1987 (see Section 1.d. above) demonstrated labor leaders' vulnerability to the Government, which critics assert, inhibits their carrying out legitimate trade union activities. Mr. David has declared publicly that questioning during his detention related only peripherally to his role in the Malaysian Trades Union Congress (MTUC) and the Transport Workers' Union (TWU). He continues as MTUC Secretary General, campaigned successfully for reelection to that position in December, and has been allowed to travel abroad to trade union meetings.

Federations of trade unions similarly may cover only a single trade or industry or similar trades or industries. The only labor federations currently registered are one for public servants and one for teachers. Two of the state-based textile and garment workers' unions have applied to register a federation and expect a favorable ruling from the registrar. The MTUC, the main labor body in the country, is registered as a society under the Societies Act (rather than the Trade Unions Act). Previous MTUC efforts to register as a trade union federation under the Trade Unions Act were turned down

because of its broad membership. In November, however, Parliament approved legislation which grants both the MTUC and the Malaysian Employers Federation the status and rights accorded trade unions, although both remain societies.

As of December 1987, there were 409 individual unions in Malaysia with over 606,000 members (10.4 percent of total employment). Union membership has been stagnant since 1983, due in part to the decline of Malaysia's largest union, the National Union of Plantation Workers, resulting from the replacement of union-organized plantation workers by unorganized contract labor; and in part to the 1985-86 recession, which particularly affected the most wage-based sectors of the economy. Unions are independent both of the Government and of the political parties. While unions are not permitted to engage in political activity, individual trade union leaders have served in Parliament (V. David, the MTUC Secretary General, is currently a Member of Parliament for an opposition party) and individual union members belong to political parties. Malaysian trade unions are free to associate with the appropriate international trade secretariats, and a number of Malaysian labor leaders play major roles in international labor affairs. The MTUC is affiliated with the International Confederation of Free Trade Unions (ICFTU). The Secretary General of the National Union of Plantation Workers is President of the ICFTU, and the MTUC Secretary General has actively participated in the ILO governing body.

While strikes are legal and do occasionally occur, critics claim that this right in practice is severely restricted. The Industrial Relations Act of 1967 requires the parties to notify the Ministry of Labor that a dispute exists before any industrial action may be taken. The Ministry's Industrial Relations Department can then become actively involved in conciliation efforts. If conciliation fails to achieve a settlement, the Minister has the power to refer the dispute to the Industrial Court, which effectively becomes compulsory arbitration. A strike is prohibited while the dispute is before the Industrial Court, and no action may be taken in respect of an award made by the Industrial Court. Industrial Court awards are the exception rather than the rule, however, representing only about 18 percent of all collective agreements registered in 1987. The remaining agreements were reached through bargaining between management and labor.

b. The Right to Organize and Bargain Collectively

Collective bargaining is the norm in Malaysian industries where workers are organized. Malaysia's system of conciliation and arbitration seeks to promote negotiation and settlement of issues without industrial action. However, Malaysian law, especially the Industrial Relations Act, restricts collective bargaining rights through compulsory arbitration.

In a complaint to the ILO, the MTUC alleged that the 1980 amendments contain prohibitive and oppressive antiunion provisions which erode the basic rights of workers, restrict union activities, and result in government and employer interference in the internal administration of unions. In 1983 the ILO urged the Malaysian Government to amend these laws further to bring them into conformity with the ILO convention on the right to organize and to bargain collectively. Many union leaders also believe that creation

of the Industrial Court to handle industrial disputes further weakened their collective bargaining rights.

In 1987 the Government proposed labor law amendments which would have altered the definition of wages (used for calculating overtime pay) and would have clarified the legal status of in-house unions (nowhere mentioned in the Trade Unions Act). The proposals were withdrawn in the face of union opposition in favor of a general review of Malaysia's labor legislation, presented to the tripartite National Labor Council (NLAC) in May. Union leaders took exception to several of the revised proposals, particularly the amendment to clarify the legal status of in-house unions, one to classify all government departments as "essential services," and one to restrict legal representation in Industrial Court cases. The first of these provisions was dropped from the amendments submitted to Parliament and approved in late 1988, and the other two were modified to meet, in part, union objections. The MTUC has welcomed parts of the package, particularly the provision granting it the status of a trade union and one making Industrial Court awards directly enforceable by application to the High Court. The MTUC also won more than it gave up on the definition of wages, employers' request to reduce retrenchment benefits, coverage of the Employment Act, and back pay in unfair dismissal cases. Employers gained modest reductions in annual and sick leave and a reduction of overtime rates from a maximum of 4.5 times basic pay to 3 times basic pay. The MTUC still opposes the amendment which restricts legal representation at Labor Ministry conciliation hearings (but continues to allow representation in the Industrial Court); and a provision allowing the Government to declare any industry an "essential industry."

Labor standards in free trade zones are the same as those in the rest of Malaysia. Workers at many companies located in the free trade zones are unionized, especially in the textile and electrical products plants. Enterprises granted "pioneer" status (whether or not located in a free trade zone) are protected from union demands for terms of employment exceeding those specified in the Employment Act of 1955 during the period of their pioneer status (normally 5 years). The restriction does not apply to wages or benefits not covered by the Employment Act (see Section 6.e. below).

Malaysia's electronic components industry, dominated by American and Japanese firms, has been the focus of unsuccessful union organizing efforts since the late 1970's. In 1980 the Government ruled that the electronics industry was sufficiently different from the electrical industry for Malaysian law to preclude the existing Electrical Industry Workers Union (EIWU) from organizing electronics workers. In response to a complaint by the International Metalworkers Federation under ILO Convention 98, the ILO urged the Malaysian Government to "apply its legislation in a manner so as to allow representative trade union organizations" and recommended that the "legislation be interpreted in a less restrictive manner." Although there is no specific legal provision barring the formation of a separate union to represent electronics workers, the Government's application of the law has in practice made it impossible to form such a union. In late September, the Government announced that workers in the electronics industry would henceforth be allowed to unionize. In October, however, the Government said

that permission applied only to in-house unions. The legal basis for this restriction remains unclear.

c. Prohibition of Forced or Compulsory Labor

Malaysia is a party to ILO Convention 105 prohibiting forced or compulsory labor. Malaysia has effective legal sanctions against such abuses. Although the ILO has in the past criticized Malaysia for requiring prisoners and ISA detainees to work, Malaysia defends the practice as part of its prisoner rehabilitation program.

d. Minimum Age for Employment of Children

Employment of children is covered by the Children and Young Persons (Employment) Act of 1966, which stipulates that no child under the age of 14 may be engaged in any employment except light work in a family enterprise, in public entertainment, work performed by the Government in a school or training institution, or employment as an approved apprentice. It is illegal for children to work more than 6 hours per day, more than 6 days per week, or at night. The law is effectively enforced.

e. Acceptable Conditions of Work

Malaysian wages are relatively high for its level of industrialization and higher than in all neighboring countries except Singapore. The Employment Act of 1955 sets working hours not to exceed 8 hours per day or 44 hours per week (5 1/2 days), sets overtime rates for hours in excess of those, and mandates public holidays, annual leave, sick leave, and maternity allowances for workers. Most such provisions are at least on a par with standards in industrialized countries. Minimum standards of occupational health and safety are set by law and enforced by a unit of the Ministry of Labor. Severance benefits are provided under the Employment (Termination and Lay-off Benefits) Regulations of 1980. The Employees Provident Fund (EPF) Ordinance of 1951 requires employers and employees to contribute to a fully funded retirement program. Some 90 percent of workers are covered by either the EPF or the Government's own pension plan for public servants. The Workmen's Compensation Act of 1952, and the Social Security Act provide disability and workman's compensation benefits.

There is no national minimum wage legislation, but certain classes of workers are covered by minimum wage laws: retail clerks, hotel and restaurant employees, cinema workers, and a few others, totaling approximately 140,000 workers. By local standards, and taking into account various worker benefits received by most workers, Malaysian wages provide a decent standard of living for workers and their families. The effective minimum wage for unskilled labor in the urban areas is about $90 per month. Plantation work is increasingly being done by contract workers, including numerous illegal immigrants from Indonesia, in part due to a shortage of Malaysians interested in such work. Working conditions for contract workers often are significantly below those of direct hire plantation workers, many of whom belong to the National Union of Plantation Workers. Additionally, many of the immigrant workers, particularly the illegal ones, may not have access to Malaysia's system of labor adjudication.

THE MARSHALL ISLANDS

The Republic of the Marshall Islands is a nation of 31 low-lying coral atolls scattered over 750,000 square miles of the Central Pacific, comprising a total land area of about 70 square miles. The population, of Micronesian origin, is estimated at 40,000 people, two-thirds of whom are concentrated on Majuro and Kwajalein atolls. The Marshall Islands constituted a district in a United Nations Trust Territory administered by the United States from 1947 to 1986. In October 1986, the Republic of the Marshall Islands became a sovereign, self-governing nation under the Compact of Free Association with the United States.

Political legitimacy in the Marshall Islands rests on the popular will expressed by majority vote in accordance with a constitution uniquely blending American and British precepts. The executive branch of the government consists of a president and his appointed cabinet, all of whom are elected members of the legislature. The legislature consists of a parliament, known as the Nitijela, and a Council of Chiefs (Iroij), the latter serving largely a consultative function. The Constitution established an independent judiciary. The economy depends mainly on transfer payments from the United States, coconut oil and copra exports, limited tourism, and the fishing industry.

No human rights abuses were reported in 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no politically motivated killings by the Government or by opposition political parties.

b. Disappearance

No politically motivated disappearances or abductions were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other cruel, inhuman, and degrading treatment are expressly forbidden by the Constitution. There were no reported instances of such abuses.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains safeguards against arbitrary arrest and detention, and no such incidents were reported. Slavery and involuntary servitude are prohibited by the Constitution, and this prohibition is observed in practice.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair public trial is expressly provided for in the Constitution and observed in practice. There were no reported denials of fair public trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the home is protected by law and respected by the Government. There was no known instance of arbitrary intrusion by the State into the private life of the individual.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press. These are accorded in practice. There is one privately owned newspaper. In 1988 a law was passed prohibiting political activity by aliens. An offending alien is subject to deportation on the decision of the Cabinet. Although the law has never been invoked, its invocation could result in deportation without due process.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is provided for in the Constitution and observed in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Free exercise of religion is provided for in the Constitution and observed in practice. There is no state religion. The majority of the population is Christian. Missionaries are free to seek converts and freely do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel within the country and abroad. There are no restrictions on emigration or repatriation. There are no displaced persons other than those from Bikini Atoll who left that atoll in 1946 because of scheduled nuclear testing on their islands. Pending further rehabilitation of the environment, the Bikinians remain resident elsewhere in the Marshall Islands.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government of the Marshall Islands is chosen in free and open elections. There is no formalized party system. Parties have freely coalesced around political issues, such as the form of the new Marshallese relationship with the United States, and then dissolved when the issue was resolved.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no reported allegations of human rights violations by the Government or any known requests for investigations. There are no local nongovernmental organizations which concern themselves with human rights. The Government has not taken an active interest in international human rights matters. The Republic is not a member of the United Nations.

THE MARSHALL ISLANDS

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status, or descent. While this equal protection and freedom from discrimination clause is generally observed in practice, male dominance in the modern economy has hampered women from taking a more active role in the economic life of the country. This is changing and an increasing number of women are finding jobs in the skilled, semiskilled, and social occupations.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of free association in general. This freedom of association is interpreted as allowing the existence of labor unions, although none have yet been formed. The Marshall Islands is a largely nonindustrial society.

b. The Right to Organize and Bargain Collectively

There is no legislation on collective bargaining or trade union organization. However, there are no bars to organization of trade unions or to collective bargaining. There are no special economic areas set aside, and labor standards and practices are the same throughout the islands.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits involuntary servitude and there is no evidence of its practice.

d. Minimum Age for Employment of Children

There is no legislation concerning minimum age of employment in this traditional society with its largely nonindustrial economy.

e. Acceptable Conditions of Work

The minimum wage is $1.50 per hour, which is adequate to maintain a decent standard of living by local standards. There is no legislation concerning maximum hours or occupational safety and health.

THE FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia (FSM) is a nation of 607 islands, mostly uninhabited, extending over 1 million square miles of ocean in the Central Pacific. Four states, Pohnpei, Truk, Yap, and Kosrae, comprise the federation. It was formerly a district of a United Nations Trust Territory administered by the United States from 1947 to 1986. In November 1986 it emerged as a sovereign, self-governing nation under the Compact of Free Association with the United States. The population, of Micronesian origin, is estimated at 97,000 people.

Political legitimacy rests on the popular will expressed by a majority vote in accordance with the Constitution, which is based in large part on the U.S. model. There are three branches of government: a president as chief executive and head of state, a unicameral legislature elected from the four constituent states, and a judiciary system closely paralleling U.S. criminal and civil laws and procedures. The economy depends heavily on transfer payments from the United States, fishing, tourism, and subsistence agriculture. No human rights abuses were reported in 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No political killings occurred.

b. Disappearance

There were no disappearances or abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of these practices.

d. Arbitrary Arrest, Detention, or Exile

Legal procedure follows U.S. law in its provisions for due process. These provisions are carefully observed. There is no exile.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Public trial is provided for in the Bill of Rights, and trials are conducted fairly. Juveniles may have closed hearings. The Chief Justice, currently an American, is appointed by the President.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such arbitrary interference, and in practice there is none.

THE FEDERATED STATES OF MICRONESIA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These rights are constitutionally assured and faithfully observed. There is one small, privately owned newspaper. A private, religiously oriented radio station was licensed by the Government and began broadcasting on Pohnpei island in May.

b. Freedom of Peaceful Assembly and Association

These rights are also provided for in the Bill of Rights. During political campaigns, citizens often take advantage of them to question candidates at public meetings. Formal associations are uncommon in Micronesia. Nevertheless, student organizations and at least one lobbying group exist.

c. Freedom of Religion

The Federated States is extremely hospitable to diverse religions, and missionaries of many faiths work within the nation. The Bill of Rights forbids establishment of a state religion and governmental restrictions on freedom of religion. Most of the citizens are Christians, with both Catholics and Protestants well represented.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions in any of these areas. The Compact of Free Association permits citizens to travel to, reside in, and work in the United States without visa restrictions.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Congress is elected by popular vote from each state; Congress then chooses the President and Vice President from its ranks by majority vote. State governors, state legislators, and municipal governments are all elected by direct popular vote. Elections are conducted honestly, and political campaigning is unrestricted. Although there are no restrictions on political groups, there has been no interest in forming political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No violations have ever been alleged, nor are there any known requests for investigations. The Federated States does not belong to the United Nations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides explicit protection against discrimination based on race, sex, language, or religion. The various traditional cultures establish hierarchies of social status, and these traditional rankings can influence access to political office and education, even though such access is in principle open to all. Traditional culture is greatly respected by the peoples of the Federated States, and is protected by Article V of the Constitution. Nevertheless, the

traditional social orders are losing ground as Westernization takes a greater hold upon young people. Male dominance in the modern economy has hampered women from taking a more active role in the monetary economy. This is changing, and an increasing number of women are finding jobs in the skilled, semiskilled, and social occupations.

Section 6 Worker Rights

a. The Right of Association

National government employees have the right, by law, to form associations to "present their views" to the Government. The Constitution states that "no law may deny or impair freedom of expression, peaceable assembly, association, or petition." These limits are observed by the Congress. There are as yet, however, no trade unions in this largely nonindustrial society.

b. The Right to Organize and Bargain Collectively

There is no law dealing specifically with trade unions or with the right to collective bargaining. There are no special economic areas set aside, and labor standards and practices are the same throughout the islands.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits involuntary servitude and there is no evidence of its practice.

d. Minimum Age for Employment of Children

There is no law establishing a minimum age for employment of children.

e. Acceptable Conditions of Work

The minimum wage for national government employees is $1.25 per hour. While there is no legally established minimum wage for other types of employment, wages for unskilled workers vary from $0.80 to $1.25 per hour under current customs and practices. These wages are sufficient to provide an acceptable standard of living under local conditions. There are no laws regulating hours of work or prescribing standards of occupational safety and health, but a Federated States' regulation requires that employers provide a safe place of employment.

MONGOLIA

The Mongolian People's Republic (MPR), is a highly centralized Communist state in which the Mongolian People's Revolutionary Party (MPRP), the Mongolian Communist party, is the only political party permitted to function. Since achieving power in the 1920's, the MPRP has continued Mongolia's long tradition of authoritarian rule. The leadership of the country is vested in the Politburo of the MPRP Central Committee headed by Jambyn Batmonkh. Nominally, the Great People's Hural, or National Assembly, enacts the basic laws of the country. It meets for 3 days once each year. Between sessions, the Presidium and the Council of Ministers (Cabinet) issue decrees and executive orders.

The Mongolian State is modeled on the Soviet system, and, with approximately four Soviet military divisions stationed there, Moscow's political influence is great. Mongolian leaders state that the country is instituting its own version of perestroika (restructuring), but to date there seems to be no visible effect on the political or economic system.

Mongolian economic life is dominated by the U.S.S.R. and shaped by its trade with the Soviet bloc; approximately 95 percent of its foreign trade is conducted with the Soviet Union and Eastern Europe. Soviet involvement in the economy is primarily focused on mining and concentration of nonferrous metals that are subsequently shipped to the U.S.S.R. for processing. However, despite increasing industrialization and urbanization, a majority of the population is engaged in agricultural pursuits, with an emphasis on livestock raising and associated light industry.

The United States and Mongolia established diplomatic relations on January 27, 1987, and the U.S. Embassy opened formally in September 1988. At this stage, the body of reliable information concerning government control or treatment of Mongolian citizens remains small. There are no known domestic opposition groups, and emigres are few. In the past, much of the available information has come from the Mongolian Government itself. The few resident diplomats and most visitors to Mongolia spend the majority of their time in the capital, but with government permission may travel to other parts of the country.

Individual civil and political liberties are highly restricted. Though the numbers are increasing, few Mongolians are authorized to travel outside Soviet bloc countries. Political opposition to the MPRP is not permitted. Freedoms assured to the individual under the Mongolian Constitution, including speech, religion, demonstration, and assembly, can be exercised only to "develop and consolidate the state system of the Mongolian People's Republic."

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No information is available.

b. Disappearance

There is no information concerning disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Information is unavailable.

d. Arbitrary Arrest, Detention, or Exile

The extent of arbitrary arrest, detention, or exile is unknown.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Current civil and criminal codes stipulate the right of the accused to judicial process, a legal defense, and public trial "except as stipulated by law." Closed proceedings are permitted in the case of crimes against the State. The civil code focuses on this category of crimes. A comprehensive review of the legal code is currently underway.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy of person, home, and correspondence is provided for in the Constitution, but little is known about the application of these rights by the authorities. Travel and job and residence changes are decided by the State. The State decides work assignments on the basis of work skills, level of education, and loyalty to the Government.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech but limits this freedom by specifying that the exercise of individual rights must be to "develop and consolidate the state system of the MPR." Actions deemed by the MPRP to fall outside this guideline may result in arrest and detention. According to Freedom House, civil liberties are denied. Fundamental public criticism of the Government is not tolerated. Control of political and social conduct is exercised through various party and government organizations, including the Ministry of Public Security and the local militia. Citizen volunteer committees work with the militia to monitor social and political conduct at the neighborhood level.

Public criticism is permitted in certain areas and on topics approved by the Government, although this is often ritualistic in nature. Letters published in the official press are a form of managed criticism permitted by the Government. The press serves largely as a propaganda tool, to provide government-approved information to the populace. Representatives of non-Communist foreign media are able to travel to Mongolia, provided their trips are approved. Academic and artistic life also is controlled in accordance with government policy. Information flow is tightly monitored. Mongolian citizens have little access to books, periodicals, or newspapers not printed in Communist countries, but there are signs the Government is permitting more exposure to some Western plays and literature.

b. Freedom of Peaceful Assembly and Association

Freedom of demonstration and assembly are provided for in the Constitution, but in practice only government-authorized organizations may assemble, and permitted demonstrations are carefully orchestrated by government authorities.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government controls religious activity through the Office of Religious Affairs attached to the Council of Ministers. This office works in close consultation with the showcase Gandan monastery--the only monastery permitted to function. The monastery houses approximately 200 monks. All other monasteries have been closed since the 1930's. As a result, Lamaist Buddhism, which was a central force in Mongolian life prior to the establishment of the Communist Government, no longer plays a significant part in the lives of most Mongolians. However, rural people reportedly retain many Buddhist beliefs privately. Vestiges of shamanism also remain.

In addition to the 200 monks at Gandan monastery, there are reports of another 100 itinerant monks--loosely affiliated with Gandan. Gandan monastery also runs a nominal religious school on an extremely small scale--perhaps only two or three new students each year. Mongolians who visit the Gandan Monastery for worship are mostly of the older generation. Two other monasteries are currently being restored as museums. There are no mosques for the traditionally Islamic Kazakh minority of 80,000 in western Mongolia. This group has been permitted to retain cultural customs based on religious background such as dress.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of travel and of residence is tightly controlled by the Government. Until recent years, few Mongolians traveled abroad, even to the Soviet Union. Foreign travel usually has been permitted only for official purposes, but government-sponsored education abroad has become increasingly common. In recent years, as many as 40,000 Mongolian youths have gone to various places in the Soviet Union yearly for specialized training programs. There has also been an increase in the number of senior scholars pursuing extended study abroad, although most foreign travel remains restricted to Soviet bloc countries. Though overall figures remain small, increasing numbers of Mongolians are permitted travel to the West for official, academic, or cultural purposes. There is no known routine emigration from Mongolia.

All Mongolians over age 16 must have internal passports and must obtain permission from the Security Bureau in order to travel within the country. Changes of residence or employment must be approved by the Security Bureau and must accord with central planning goals.

Although the 1960 Constitution assures the right "to reside in the territory of the MPR" to foreign citizens, Mongolian authorities in May 1983 began a systematic expulsion of the 6,000 to 7,000 ethnic Chinese. Most of the affected persons resided in and around Ulaanbaatar and the families of many of

them had been living and working in Mongolia for several generations. The Mongolian authorities claimed the expellees had no formal occupation or did not abide by Mongolian law or both. In line with the improvement of Sino-Mongolian relations in recent years, Mongolia stopped the arbitrary expulsion of ethnic Chinese in 1985; today Mongolia's Chinese population numbers less than 2,000. Increasingly the Mongolians are permitted to visit and be visited by ethnic Mongolian relatives whose homes are in China. A bilateral consular treaty regarding treatment of their nationals was signed by Mongolia and China in July 1986.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The Mongolian People's Revolutionary Party (MPRP) has a monopoly on political power, and there is no institutionalized mechanism by which the citizenry as a whole can effect transitions in leadership or changes in government. The MPRP is established on the Soviet model with a narrow pyramid of power topped by General Secretary Batmonkh. Lower-ranking members of the MPRP have very limited ability to influence the decisions of their superiors. Elections are held at regular intervals, but only one candidate is listed for each office, so the choice is to vote for the candidate or cross the name out. The 1986 election to the Great People's Hural brought into office a large group of younger officials in their 40's. In the 1986 election, 69.2 percent of all the deputies were elected to the Great Hural for the first time. Many elections reportedly result in a 99.9 percent turnout, and the sole candidate regularly receives the entire vote.

From 1951 to 1986, the number of female deputies elected to the Great Hural, which has 370 deputies, increased from 51 to 92. In 1987 elections to local Hurals, 33.9 percent of the 15,967 deputies elected were women. Few women occupy positions of responsibility in the Government or in party structures, although women have served on the Presidium, the acting legislative body between sessions of the Great Hural.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Mongolia acceded to the United Nations Covenant on Civil and Political Rights in 1976. There is no known organization dedicated to the protection of human rights in Mongolia. There is no known request by an international human rights group to investigate alleged human rights violations in Mongolia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There appears to be little discrimination in education on the basis of race, sex, or religion.

Universal franchise and equal rights for women are official policy. According to government statistics, the percentage of women in the work force rose from 30 to 48.5 percent between 1960 and 1984. Women constitute about 30 percent of the MPRP membership and 49.8 percent of trade union membership. Women also hold high professional positions in institutions such as schools, research centers, and hospitals.

MONGOLIA

Section 6 Worker Rights

a. The Right of Association

The right to organize professional associations and trade unions is provided for in the Constitution, but it is government controlled and directed. It is not known how such organizations work in practice and whether trade unions have a right to strike. According to Freedom House, all worker committees are extensions of the MPRP. In the opinion of the International Labor Organization (ILO), constitutional provisions imply that no mass organizations, particularly trade unions, have any possibility of working outside the party framework. The ILO also notes that the Mongolian Labor Code effectively prevents the formation of any independent trade union organizations. All unions are grouped in the Central Council of Mongolian Trade Unions (CCMTU) which itself is an extension of the MPRP. The CCMTU is affiliated with the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

There is no specific provision for collective bargaining in the labor law. However, local worker committees and people's courts are empowered by the law to form "Commissions for Labor Disputes" to settle labor grievances. Trade union council representatives and enterprise managers are represented equally on these commissions. It is not known how these commissions function in actual practice.

c. Prohibition of Forced or Compulsory Labor

Whether forced labor is practiced is not known. Prisoners are routinely assigned to varying work details or projects according to a prison work plan.

d. Minimum Age for Employment of Children

The law proscribes work for children under age 16, although those aged 15 may work if allowed to by the local trade union committee. Those under 18 are statutorily prohibited from doing arduous work or from working in dangerous areas such as mining. The workday is prescribed as 8 hours for adults, 7 hours for those aged 16 to 18, and 6 hours for those aged 15.

e. Acceptable Conditions of Work

The Mongolian Labor Law sets a minimum work age and maximum work hours for all workers and exhorts state enterprises to observe work safety requirements. The Labor Law provides that "the monthly earnings of a worker or employee may not be lower than the minimum amount of earnings established by the state." No information is available on the implementation of the labor law in this area.

NAURU

Nauru, the world's smallest republic, consists of a single Central Pacific island of 8.22 square miles with a population of approximately 9,000. As a League of Nations mandate and a United Nations trust territory, Nauru was administered by Australia on behalf of the Governments of Australia, New Zealand, and the United Kingdom. On independence in January 1968, Nauru adopted a modified Westminster form of parliamentary democracy. The courts are independent and effectively enforce the Constitution, which provides for basic human rights.

Nauru has two levels of government, the unicameral Parliament and the Nauru Local Government Council (NLGC), both popularly elected bodies. All Nauruans over the age of 20 are required to vote in parliamentary elections (21 is the minimum age in NLGC elections).

The President, who is both Head of State and Head of Government, is elected by Parliament from among its members. He presides over a cabinet of four or five ministers. There are no formal political parties; thus the President must win and retain the support of a majority of parliamentarians.

Nauru has no armed forces but it maintains a police force of approximately 60 officers under civilian control.

The economy is based on the exploitation and marketing of Nauru's rich phosphate deposits by the Nauru Phosphate Corporation (NPC). The NPC's profits are the primary source of revenue for the Government (there are no consumption or income taxes). A large percentage of the NPC's earnings are placed by the Government in long-term investments, the income from which is meant to support the Nauruans after the phosphate reserves have been exhausted. In the meantime, the NPC pays rent to the owners of the land which it mines. Although the other large economic enterprises on Nauru (e.g., Air Nauru and the Nauru Corporation) also are owned by the Government or by the NLGC, several small, private businesses operate successfully.

There were no reports of human rights abuses during 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings.

b. Disappearance

There were no known instances of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

These practices are prohibited by the Constitution, and this prohibition is respected.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and this prohibition is respected. The police cannot hold a person for more than 24 hours without a hearing before a magistrate. Exile is not practiced, though persons found to be "mentally disordered" either by two medical examiners or, in the case of a finding of not guilty due to mental incapacity, by a court, may be sent to appropriate medical facilities in Australia. However, upon discharge from such facilities they may return to their places of original residence.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Constitutional provisions for both a fair hearing and a public trial are respected. Defendants may have legal representation, and a representative will be appointed where, "in the interest of justice," one is required. Due to the paucity of trained lawyers in Nauru, a legal representative might not be an attorney, but instead a trained paralegal certified by the Government to plead cases in the courts. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Protection from these abuses generally is provided for in the Constitution. However, permission for a Nauruan to marry a non-Nauruan must be obtained from the NLGC. Such permission has not always been forthcoming, though there were no reports of any refusals in 1988. While most foreign workers may bring their families to Nauru for the duration of their 2-year contracts, this privilege is denied to Philippine workers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of expression is provided for in the Constitution. Nevertheless, the Island's one radio station and one newspaper (a weekly) are owned and operated by the Government. In 1988 a small independent newsletter was founded, providing an alternative to the state-owned media. While the parliamentary opposition, private groups, and individual persons may voice opposition to the Government, their statements may not receive local media coverage. The small scale of the independent press, however, appears to be more a function of economy than of government policy; the small population makes economic survival difficult for private media ventures. Further, in a society as small as Nauru, news and opinions can travel widely by word of mouth. Foreign publications are freely available.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is assured in Nauru. While there are no political parties in the usual sense of the term, in February 1987, 8 out of 18 members of Parliament joined an informal opposition grouping known as the "Democratic Party." No permit is needed to conduct public meetings.

NAURU

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is protected by the Constitution, and no official religion is recognized by the Government. Several different Christian denominations are established in Nauru.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Nauruans are free to move and travel both domestically and internationally. Foreign workers must apply to their employers for permission to leave during the period of their contracts. They may break the contract and leave without permission but would lose their positions as a result. Foreign employees whose contracts are terminated by their employers must leave Nauru within 60 days in most cases.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Nauru is a democracy without organized political parties. Persons with diverse points of view run for and are elected to Parliament and to the NLGC. The NLGC acts as the local government and is responsible for public services. It also operates retail outlets, is the principal importer for the country, and owns a shipping line. The Parliament, consisting of 18 members from 8 constituencies, is elected at least every 3 years and is responsible for national and international matters. The current President, Hammer DeRoburt, has held office for most of the period since independence. Nevertheless, on four separate occasions Parliament has elected other persons, including opposition figures, as President (although they usually served only for short periods of time). Power has always been transferred peacefully and in accordance with the Constitution. All parliamentary seats were contested during the most recent elections in December 1986 and January 1987.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no allegations by outside organizations of human rights violations in Nauru, nor any requests for investigations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution assures women the same freedoms and protections as men. They are provided equal opportunities by the Government in education and employment, and are free to own property and pursue private interests. However, some discrimination based on sex exists, in part the legacy of traditional culture. For example, all members of Parliament and most senior officials and managers are men, though there is no legal bar to women obtaining these positions. In regional forums, the Government is a leading advocate of the advancement of women.

NAURU

Section 6 Worker Rights

a. The Right of Association

Trade unions do not exist in Nauru, and attempts over the years to form unions have met with official discouragement. Pilots with Air Nauru went on strike during 1988, partly in order to gain recognition as a legal union. However, the strike was denounced by the Government as interrupting a service vital to maintaining the country's contact with the outside world. The Government continues to refuse to recognize the Air Nauru pilots' association as a legal union. Despite official distaste for unions, there are no laws discriminating against unions or their members.

b. The Right to Organize and Bargain Collectively

The transient nature of the mostly foreign work force and the relative prosperity of the Nauruans has tended to hamper efforts to organize the labor force. There are no economic incentive zones or special industries where labor standards differ from those elsewhere on Nauru.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is forbidden by the Constitution, and it is not practiced on Nauru.

d. Minimum Age for Employment of Children

No information is available on legislation relating to Nauruan domestic labor legislation or to the employment of children.

e. Acceptable Conditions of Work

There were no reports of any unfair practices relating to minimum wages, hours of work, and occupational safety and health. Since the demand for skilled and unskilled labor, as well as managerial talent, exceeds the supply in the country, most workers are recruited overseas. Each worker enters into a 2-year contract which sets out the terms and conditions of employment. Nauru provides many jobs for citizens of Tuvalu, Kiribati, and other island states that enjoy fewer employment opportunities. As virtually all foreign workers are under contract to the Government (and the government-owned NPC), the Government has total authority to terminate contracts and require workers to leave their jobs and the country. There have been allegations that some workers' contracts have been terminated capriciously. However, contract terms, including information about termination, are known to workers before they agree to accept employment.

NEW ZEALAND

New Zealand is a parliamentary democracy, with executive authority vested in a 20-member cabinet led by a prime minister. The 97 members of the unicameral legislature include 4 elected by those members of the native Maori minority who wish to be included on a separate electoral roll.

Maoris comprise over 12 percent of New Zealand's population of 3,263,000, while other Pacific islanders total nearly 4 percent. The rights of the increasingly urbanized, disadvantaged, and activist Maori minority are receiving increased public attention. The Ministry of Maori Affairs, which is responsible for looking after Maori interests and needs, is being reorganized so that it can better carry out its responsibilities.

Real annual average economic growth has been low in recent years. However, the free enterprise economy affords the opportunity for a reasonable standard of living for most New Zealanders. Education is freely available to all.

New Zealand continued its excellent record in human rights during 1988. New Zealanders enjoy personal freedom, freedom of religion, freedom of the press, universal suffrage, and the rule of law. Respect for minority rights, concern for the economically deprived, and the humane treatment of prisoners are established in principle and in practice.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives does not occur.

b. Disappearance

There have been no instances of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other forms of mistreatment are prohibited by law and these prohibitions are respected in practice.

d. Arbitrary Arrest, Detention, or Exile

New Zealanders enjoy freedom from arbitrary arrest, detention, and exile. New Zealand law provides for the writ of habeas corpus, and persons arrested in New Zealand are charged promptly. Legal aid is provided by the court to those who cannot afford to pay for a private attorney. Preventive detention is prohibited.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

New Zealand law assures a prompt, public trial. The rights of the accused are carefully observed and subject to public scrutiny. The judiciary operates independently of executive or legislative influence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy is assured by law. The Government does not violate a person's privacy, the sanctity of the home, or the integrity of correspondence.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press are assured by law and respected in practice. There are 156 newspapers and 602 magazines published throughout the country, reflecting a wide spectrum of political and social thought. The Government makes no attempt to censor the press, and opposition viewpoints are freely expressed.

b. Freedom of Peaceful Assembly and Association

Rights to peaceful assembly and association are recognized and respected.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

New Zealand enjoys a long tradition of religious tolerance. All faiths are given equal treatment under the law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

New Zealanders are not subject to limitations on internal movement or resettlement. Foreign travel is unrestricted, and the right to return is assured. To the extent of its resources, New Zealand accepts and resettles refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people freely elect their government. Two major parties, Labour and National, dominate the political scene and have formed governments chosen in triennial elections for more than 50 years. Smaller parties and groups, mostly devoted to limited and parochial issues, are usually of little consequence in the national electoral process. New Zealand law provides for universal suffrage; citizens are eligible to vote at age 18. No restrictions based upon race, sex, creed, or national origin limit participation in the political process. Women and Maoris, as well as other minorities, regularly serve in Parliament and the Cabinet. Voting rates are high, and participation in political groups is common. Opposition groups freely voice their views.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

New Zealand's commitment to human rights is clearly demonstrated by the active efforts of local, national, and international bodies organized to protect human rights and prevent discrimination. The official New Zealand Human Rights

NEW ZEALAND

Commission and New Zealand Council for Civil Liberties are joined by such nongovernmental human rights organizations as the Citizens Association for Racial Equality, the New Zealand chapter of the International Commission of Jurists, the Race Relations Conciliator, Amnesty International, and the National Organization of Women.

In January 1988, a member of the United Nations Working Group on Indigenous Populations visited New Zealand in a private capacity at the request of a Maori tribe which alleged it was the victim of institutionalized racial discrimination. After investigation and discussions with a wide range of sources, the U.N. official reported that she found no evidence to support the tribe's complaints, but she urged the Government to improve its already excellent human rights record by taking an even more active role in promoting the rights of its Maori citizens.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Despite the historical absence of overt discrimination and the existence of some successful Maori, the indigenous population remains marginally educated and economically disadvantaged. Increasing urbanization--approximately 90 percent of young Maori live in cities--and continued assimilation with New Zealanders of European descent have created social stress which is reflected in social indicators. A relatively high percentage of Maori are unemployed and receive state assistance. They figure disproportionately in crime statistics and among the prison population.

A trend toward increased Maori activism continued in 1988, evidenced most directly in a series of court cases demanding the return of government-held land to Maori tribes in accordance with the terms of the 1840 Treaty of Waitangi. In accordance with decisions of the Waitangi Tribunal, the body set up in 1975 to adjudicate such claims, the Government recently transferred several plots of land and granted rights to use resources, including fisheries, to specific tribes; where that was not possible, the Government provided substantial compensation to Maori claimants. Numerous other claims are currently under investigation. The Government has also engaged in dialogue on reforms designed to enhance Maori representation in the political process and thus better ensure recognition of their basic rights and aspirations.

There was growing sensitivity to the status of women during 1988. The Government established a Ministry of Women's Affairs in 1985 and has ratified the U.N. Convention for the Elimination of All Forms of Discrimination Against Women. A Human Rights Commission established in 1977 hears complaints about sex discrimination, most frequently concerning wage inequities. The Government is considering the introduction of legislation requiring employers to pay women and men comparable wages for work of comparable worth.

Section 6 Worker Rights

a. The Right of Association

New Zealand workers have unrestricted rights to establish and join organizations of their own choosing and to affiliate those organizations with other unions and international organizations. Their unions are protected from interference,

suspension, and dissolution by the Government, and, in fact, have considerable influence on legislation and government policy. Unions have the right to strike. Public sector unions, however, are precluded from striking if work stoppages pose a threat to public safety. Unions freely maintain relations with international bodies and participate in bilateral exchanges.

b. The Right to Organize and Bargain Collectively

The right of labor unions to organize and bargain collectively is assumed by law. They actively recruit members and engage in collective bargaining. Sixty-one percent of wage earners are represented by unions. Mediation and arbitration procedures are independent of government control. A system of labor courts hears cases arising from disputes over interpretation of these laws. In addition, the Arbitration Commission and the Mediation Service are available to handle wage disputes and assist in maintaining effective labor relations. Labor laws are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

All New Zealand workers are protected from forced or compulsory labor by law and in practice.

d. Minimum Age for Employment of Children

Children under the age of 16 may not be employed without special government approval and must not work between the hours of 10 p.m. and 6 a.m. These laws are effectively enforced.

e. Acceptable Conditions of Work

New Zealand enforces a 40-hour workweek, a minimum of 3 weeks' annual paid vacation for all employees, and observance of 11 paid public holidays. The hourly minimum wage of $3.00 is adequate to provide a decent standard of living. In most cases, minimum wage recipients also receive a variety of welfare payments. The vast majority of workers earn more than the minimum wage.

PAPUA NEW GUINEA

Papua New Guinea is the largest and most populous nation in the South Pacific. It covers half of the second largest island in the world plus additional islands to the north and east, constituting a large portion of the cultural area commonly referred to as Melanesia. It has a federal, parliamentary form of government with a unicameral legislature. Political legitimacy rests on popular will expressed by majority vote in accordance with a constitution embodying extensive public consultation and Melanesian tradition, which in general accords prestige based on individual accomplishments rather than heredity. The military, police, and intelligence services are under civilian control. Transfers of power since independence in 1975 have been peaceful and in keeping with the Constitution.

A special problem in Papua New Guinea is presented by approximately 10,000 Melanesians from Irian Jaya, Indonesia, who have illegally crossed into the country and are now living in camps near the border. The United Nations High Commissioner for Refugees (UNHCR) is working with the Government to determine which of these people are refugees. In 1988 about one-half of these refugees were consolidated in a single off-border camp.

The economic system has three parts: the traditional, rural, subsistence economy which supports about 80 percent of the population; the privately controlled money economy; and enterprises in which the Government has invested. The private sector produces most of the wealth and provides three-fourths of government revenues; most of the remainder is aid from Australia. Papua New Guinea has major mineral, timber, hydroelectric, and possibly petroleum resources in the early stages of development.

In 1988, as in previous years, no noteworthy human rights violations occurred in Papua New Guinea. A network of social and political institutions including vigorous parliamentary democracy, an independent judiciary, a concerned legal profession, active churches, a lively free press, and relatively informed citizenry are effective in maintaining respect for human rights. Intertribal conflict remains a serious problem in the highlands where one-third of the population lives.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Neither the Government nor any opposition group resorted to political killing.

b. Disappearance

There were no reports of politically motivated disappearances.

PAPUA NEW GUINEA

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and other cruel or degrading treatment. The prison population is one of the highest per capita in the world, due to the nation's unusually high crime rate. However, prisoners generally are treated fairly and humanely. Public, press, and clergy are keenly sensitive to allegations of police misconduct. The courts and Ombudsman Commission investigate complaints and intervene when abuses are discovered. Civil damages have been awarded and offending officials punished in such cases. Charges of police abuse are actively investigated.

d. Arbitrary Arrest, Detention, or Exile

Politically motivated arrests do not occur, and the courts vigorously enforce constitutional protections against arbitrary arrest or detention. Exile is not practiced. Warrants are required for arrests. Suspects have free access to a lawyer of their choice, and, in cases of felony involving violence, counsel is provided at state expense. Suspects and their counsel are informed of charges and have the right to judicial review of detention. Release on bail is permitted, except when a judge rules that the risk of flight or further crime warrants detention.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair, public trial is strictly observed. Defendants are represented by counsel except as noted above. A high crime rate coupled with a shortage of funds, police, and judicial personnel often make the time spent awaiting trial for serious offenses very long. Provision is made for writs of habeas corpus. Persons may not be held without trial for more than 6 months. The courts are free from executive, political, or military interference. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Sanctity of the home and family and privacy of correspondence are observed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An independent press, effective constitutional guarantees, and a functioning democratic political system combine to insure freedom of speech and press. State-owned radio gives significant coverage to statements of opposition politicians. Pornography is prohibited. Films are censored for suitability and classification based on sexual explicitness and degree of violence. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Provisions assuring the right of association are contained in the Constitution, and that right is freely exercised. There are no arbitrary restrictions on assembly.

Demonstrations require legal permits, but these are almost always granted. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is assured by law. There are no controls on the practice of religion and no religious discrimination. A wide variety of indigenous and Christian denominations flourish. Missionaries are allowed to work freely in the country, although interdenominational disputes led to deportation of one American missionary in October 1987.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement of Papua New Guinea citizens within or into and out of the country is not restricted by law. Naturalization is available to foreign residents who satisfy a residence requirement and are sponsored by a village; it can be revoked only for fraud.

The Government has adopted a humanitarian policy toward the approximately 10,000 people from Irian Jaya living in camps along the border and the related Irian Jaya separatist movement, Organisasi Papua Merdeka (Free Papua Movement) or OPM. The UNHCR has had a major role since late 1986 in determining which of the border crossers are politically motivated. At the same time the Government is cooperating with the Indonesian authorities to encourage voluntary repatriation of those border crossers--probably the majority--who do not fear persecution should they return. The Government is resettling border crossers from the nine border camps where they are presently located to one large settlement further away from the border. The Government continues to express concern about the activities of the OPM. It has repeatedly emphasized that it will not allow Papua New Guinea to be used as a base for OPM guerilla operations into Indonesian territory. On the other hand, the Government remains sensitive to those who argue that it has a moral responsibility to provide permanent asylum or find asylum in third countries for politically motivated border crossers and to support their cause against the Government of Indonesia. The Government has repeatedly stated it will (with the help of the UNHCR) consider the effects of repatriation on a case by case basis and not forcibly repatriate anyone judged to be a refugee.

Section 3 Respect for Political Rights: The Right of Citizens To Change Their Government

Citizens freely exercise their right to change their government through direct and fair elections. There is a unicameral legislature composed of representatives from 19 provinces and Port Moresby (the national capital). None of the organized parties has an absolute parliamentary majority. The present Government is a coalition of four parties. Politics are marked by keen competition for elected offices and loose party structures. Parliamentarians can and occasionally do cross party lines during votes. Any citizen can run for Parliament, and several members are foreign born. Five peaceful changes of government have taken place since independence.

PAPUA NEW GUINEA

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no allegations by international or nongovernmental agencies of human rights violations in Papua New Guinea. The Ombudsman Commission and the courts take legal action against abuses when discovered, and the press and concerned politicians have been quick to publicize alleged governmental shortcomings. The UNHCR provides permanent international monitoring of the Irian Jaya refugees.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

In part because of its extreme ethnic diversity, Papua New Guinea is not dominated by any one ethnic group or geographic region, and the democratically elected government cannot afford to display ethnic favoritism.

Women have equal rights before the law and their status is gradually improving, but they still face difficulties. Wife-beating is widespread but is increasingly brought to the attention of the authorities. In urban areas, rape, along with other violent crimes, is a problem of continuing concern. In the village, women are protected by their kin, but attacks on women are a common feature of intertribal conflict. Against the background of male dominance in tribal society, the achievements of women in Papua New Guinea are significant. Some have become doctors, lawyers, and business executives. Several senior public servants are women and several hold seats in provincial assemblies. Accurate statistics on the percentage of women in the paid labor force are not available. The Department of Labor estimates this at 8 percent. Family laws, marriage and property rights of women are formally guaranteed through the legal system based on English common law. However, tribal practices which may treat women as a form of chattel exist parallel to this system and are dominant for a majority of the population. Several women's rights groups, notably the National Women's Association, actively promote the evolution of the role of women, and run campaigns against crimes such as rape and wife-beating.

Section 6 Worker Rights

a. The Right of Association

Labor unions are protected by law and are active and important in the country's economic and political life. Over 50 trade unions exist, among which the most significant are the Public Employees Association, and the two mineworkers' unions. The private sector unions are free to strike and do so on occasion. The trade union federation, the Papua New Guinea Trade Union Congress, is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Constitution contains provisions assuring workers the right to engage in collective bargaining, to join industrial organizations, and to seek employment These rights are freely exercised. Labor laws and regulations are applicable uniformly throughout the country.

PAPUA NEW GUINEA

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids slavery and slave trading in all forms including forced or compulsory labor, except when the latter is imposed as a condition or sentence after due process of law.

d. Minimum Age for Employment of Children

Children under the age of 11 may not be employed outside a family relationship. Children between the ages of 11 and 16 may be employed only with parental permission, a medical clearance, and a work permit from a labor office. According to the Department of Labor, such employment is rare except in subsistence agriculture.

e. Acceptable Conditions of Work

The Department of Labor is responsible for the enforcement of laws and regulations concerning safety, health, and working conditions, and it regularly conducts industrial visits. Working hour limitations, rest periods, holidays, leave, wages, and compensation are regulated by the Employment Act of 1978. Minimum wages are established by the minimum wages board. These vary by industry and types of work, and whether or not work is performed in an urban or rural area. They provide an adequate living within the local context. Standard hours of work are regulated as well and, although variable for some occupations, may not exceed 42 hours per week in an urban area or 44 hours in a rural environment. The provision of housing is a precondition for most employment. Enforcement of health and safety codes is an important focus of organized labor activity.

THE PHILIPPINES

The Philippines has a republican form of government, headed by a popularly elected president and with a bicameral legislature consisting of an upper chamber (Senate) and a lower chamber (House of Representatives) and an independent judiciary. President Corazon C. Aquino was sworn into office following a nearly bloodless civilian-military popular uprising which forced former President Ferdinand Marcos to flee the country after the February 7, 1986, elections. The new Government immediately began to dismantle restrictions on human rights and to restore full democratic institutions. A new Constitution was ratified in 1987. The Government has largely implemented the new Constitution's provisions on political, social, and civil rights. Congressional elections in 1987 were followed by local elections in 1988.

The Armed Forces of the Philippines (AFP), which expanded during the Marcos years as the Communist and Muslim insurgencies grew, have since remained around 150,000 active duty personnel in the Army, Navy, Coast Guard, Air Force, and Philippine Constabulary. Defense officials hope to recruit 80,000 volunteers for the central government-recruited and trained Citizens Armed Forces Geographical Units (CAFGU's). The CAFGU's will replace the discredited Civilian Home Defense Forces (CHDF) and various unofficial armed anti-Communist groups and are expected to incorporate acceptable personnel from government-assisted anti-Communist groups in some areas. In addition, the Integrated National Police, whose Director General serves as the Chief of the Constabulary, has approximately 40,000 members.

The Philippine economy, which has enjoyed a high rate of growth since President Aquino assumed office, expanded at a 7.5 percent annual rate in the first three quarters of 1988. Internal reinvestment is accelerating, but more is needed, particularly from foreign sources, to sustain long-term growth. Inflation, which rose in the first months of 1988, peaked near 9 percent and has remained at single digit levels. Philippine foreign debt service took about 31 percent of export earnings in 1988. This heavy debt service burden would have been significantly greater without public and commercial debt reschedulings.

There were signs of deterioration in the human rights situation in 1988, despite strong popular support for President Aquino's reform agenda and her frequently expressed commitment to the preservation of human rights. Political forces on both the far left and the far right continued efforts to destabilize the Government. Although there were no rightwing military coup attempts in 1988, rumors of plotting and coup attempts were common. A widespread Communist insurgency poses a long-term challenge to the Government. During 1988 the Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA), continued their campaigns of urban terrorism, rural insurrection, political agitation, and propaganda activities. The growth of anti-Communist citizens' groups, widely termed "vigilantes" and formed in reaction to the NPA, continued in many areas of the country. In step with this growth, the number of allegations of human rights abuses by some of these groups also increased. The Muslim secessionist movement remained largely quiescent as the Government sought to implement a constitutional mandate requiring establishment of an autonomous region in Muslim areas of Mindanao.

THE PHILIPPINES

The constitutionally mandated Commission on Human Rights (CHR) established branch offices in each region. The CHR investigated numerous reports of human rights violations and referred many to the court system for prosecution. However, due in part to the inefficiencies of the judicial system, few major human rights prosecutions were concluded successfully.

Responding to concerns regarding human rights, President Aquino in December strongly reaffirmed the commitment of her Government to protect human rights and announced the formation of a presidential advisory committee, with members drawn from the Government, Congress, and private human rights groups, that will monitor the human rights situation and advise the President on measures the Government should take to improve respect for human rights. She also issued an order to the military and police to respect legal protections for detained persons more carefully, while Defense Secretary Ramos directed that military commanders be held responsible for violations by their subordinates.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killings are frequent and widespread. The several insurgencies which have long afflicted the Philippines and local efforts to respond are the major cause of such killings. Communist rebels often assassinate government security forces and occasionally kill civilian government personnel, particularly those who resist Communist influence. NPA "sparrow units" claimed the assassination of more than 300 persons nationwide during 1988. Police and military officials have expressed frustration over what they view as unjustified legal restraints which hinder counterinsurgency activities, and have lamented the absence of an effective judiciary. There is credible evidence that some members of the police and the military have resorted to extralegal killing to combat the insurgents and their perceived sympathizers. These actions are in violation of government policies. Some armed anti-Communist groups also ignore the law in attacking suspected insurgents and sympathizers.

Killings, some of which may be politically motivated, also frequently occur as the result of local rivalries and grudges. Because assassinations are rarely prosecuted, private vendettas are often pursued, sometimes for generations. An ineffective judicial system and the easy availability of firearms have encouraged lethal solutions to private disputes.

The constitutionally mandated Commission on Human Rights (CHR) is the official governmental body that accepts all complaints of human rights violations (against insurgent forces as well as the military). The CHR has been criticized by some human rights observers as an apologist for the Aquino Government and the military. The CHR publishes statistics based on formal complaints filed with it but does not compile them from other sources. It has a "quick reaction" team in Manila and branch offices in each region. When a complaint is filed, the CHR conducts an investigation, gathering evidence and testimony from the complainant and the accused.

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The Department of National Defense (DND) compiles statistics on military, insurgent, and civilian casualties during clashes. Several private groups, of which the Task Force Detainees of the Philippines (TFD) is the best known, restrict their focus to allegations against government forces. The TFD, considered by many to have links to the CPP, collects information only on alleged government abuses. The TFD has been criticized for inflated figures and lack of corroborative evidence.

The CHR received 362 formal complaints of political killings from January to October 1988. The CHR reported an additional 83 cases of multiple killing. The TFD reported 242 summary executions by government forces and an additional 127 persons slain in massacres (politically motivated killings of groups of individuals) from January to November 1988. The Armed Forces of the Philippines recorded an estimated 1,100 civilians killed in insurgency-related incidents in 1988. In the absence of disinterested reporters, statistics on political killings in the Philippines should be taken as providing an order of magnitude rather than a reliable figure.

The deaths of four human rights lawyers during 1988 attracted considerable attention; in at least two cases, involvement by government security personnel is alleged. These cases are:

--Vicente A. Mirabueno was murdered in February in General Santos City, South Cotabato. While some Human Rights activists believe that the police were involved, the police concluded that the murder was more likely related to a business quarrel than to his human rights activism.

--Ramos Cura of Angeles City, Luzon, was murdered in June. Eyewitnesses could not identify the gunmen. Cura was the attorney for detained Communist leader Rodolfo Salas.

--Alfonso A. Surigao of Cebu City, Cebu, was murdered in June. The alleged gunman was apprehended and charged less than a month after the killing. A military intelligence officer reportedly linked to the gunman was relieved of duty. Jurisdiction in the case of the military officer was transferred by the Government to a civilian court which subsequently dropped charges.

--Emmanuel Mendoza of Manila was killed in July. Investigators identified and arrested two policemen as suspects who were subsequently charged in civilian courts. (Mendoza was an associate of a university president who survived an ambush in which three of his bodyguards were killed. Five policemen charged in this assassination attempt are currently being tried in civilian courts.)

During 1988 three non-Communist union leaders were reportedly killed by the NPA: the local leader of the Confederation of Filipino Workers in Bataan; an official of the Trade Union Congress of the Philippines (TUCP); and an official of the National Federation of Sugar Workers (NFSW) in Negros. The NFSW is affiliated with the leftist union Kilusang Mayo Uno (KMU); however, the assassinated official, Jun Tanpinco, had resigned from the CPP and criticized its violence and extortion. Another TUCP official was murdered in Leyte in a killing ascribed to union rivalry.

President Aquino has ordered the AFP to disband the armed civilian volunteer organizations (CVO's) that have sprung up in recent years, often under the sponsorship of local military

commanders and business groups. These groups, probably numbering several hundred and operating in most insurgency-affected areas, range from neighborhood watch organizations to quasi-religious cults.

Some armed civilian anti-Communist groups have been implicated in a number of political killings as well as in intimidation and threatening of opponents. In the first 6 months of 1988, 14 of the political killing cases brought to the CHR involved persons from such groups. In the first 9 months of the year, 93 cases brought to the CHR involved CHDF members. The confessed killer of an American priest in South Cotabato belonged to a CHDF, although it is unclear whether the killing arose from a personal grudge or was politically motivated. At the end of 1988, the trial in this incident was continuing.

Members of existing CVO's, after screening and military training, may be incorporated into the new CAFGU units, under provincial government control and with professional military leadership and military discipline. Members of the Marcos-era CHDF, which is being phased out under a constitutional mandate, may also join the CAFGU's if they meet entry requirements. Unarmed CVO's are encouraged. Implementation of government guidelines for CVO operations is reported to be uneven.

During 1988 only one case of politically motivated killing resulted in convictions and sentences. In December, 6 persons were sentenced to prison terms of 9 to 20 years for the murder of a civilian during an antigovernment rally in July 1986. Several trials are ongoing. The practice of scheduling hearings only at monthly intervals has drawn out the proceedings in several well-known trials. In the Aquino-Galman trial, relating to the murder of former Senator Benigno Aquino, the prosecution, after nearly 2 years, expected to finish its presentation of evidence by the end of 1988 but did not succeed in doing so. The Citizens' Mendiola Commission, created by President Aquino to investigate the 1987 Mendiola incident, condemned as unjustified the use of force by government forces against marchers; however, a damage suit against the Government was dismissed on the grounds of government immunity from suit. In the 1987 Lupao incident involving the killing of 17 persons by Philippine Army soldiers, the CHR investigated and recommended that the Judge Advocate General's (JAG) office file murder charges against several officers and men. The JAG is investigating the case. Concerning the 1985 Escalante shooting incident, the court has found that the accused soldiers did conspire to murder protesters and has revoked bail during the balance of the trial, which continues.

Prosecutions of alleged human rights abuses are often stymied by witnesses unwilling to testify because they fear reprisals. The CHR initiated a witness protection program to encourage testimony. Legislation to protect witnesses is pending in the House. In at least one case involving displaced persons charged with subversion, the trial venue was changed both to protect the witnesses and to ensure a fair hearing.

b. Disappearance

The Government has strongly condemned politically motivated disappearances. Despite allegations to the contrary, no conclusive evidence links government officials with involvement in politically motivated disappearances. However, Philippine law permits holding suspects up to 36 hours without

charge, and there have been cases of citizens who have been taken into custody by government authorities and held incommunicado for several days before being released or charged.

Between January and October 1988, the CHR received 84 complaints concerning missing persons. The TFD claimed there were 37 missing persons arrested by government authorities and 73 missing without report of arrest in the first 10 months of 1988. The TFD believes that in many cases the missing persons have been killed and that some military officers or anti-Communist groups were responsible. In those cases reported by the CHR, complainants attributed only a very small percentage of the disappearances to Government forces. However, according to a Philippine human rights group known as FIND, which began tracking alleged abductions 13 years ago, hundreds of persons have been abducted in recent years. Some have been released, while others have been reportedly killed or discovered in Government detention, and the whereabouts of 212 persons, who disappeared in past years, remain unknown.

In response to reports of disappearances, President Aquino in December designated city and provincial state prosecutors as "human rights coordinators" who are to assist families in searching for missing relatives in military camps and detention centers.

Several leftwing groups, including the KMU and the student activist group Kadena, reported harassment and threats. One KMU staff member, Benjamin Clutario, disappeared in August.

An increase in alleged disappearances took place in the second half of the year, primarily involving middle- and low-level members of activist and human rights groups. While human rights groups pointed to the military, at least some of the disappearances were linked to an internal CPP purge, which included summary executions, of party members after a series of arrests of high-level members of the party in the spring. Although human rights groups charged that a "mass grave" discovered in Manila in April contained the bodies of 22 abducted leftists, a police investigation concluded that all had been previously identified and autopsied. Most were victims of street violence or had died of tuberculosis during 1987.

The NPA is also linked to disappearances. Throughout the year, there were reports of "mass graves" of victims of NPA executions in different parts of the Philippines. In July in Quezon Province, former rebels identified a grave containing the bodies of 20 missing civilians they say were abducted by the NPA. In Leyte Province another such burial site yielded 18 bodies. The military estimates that the same area in Leyte has a total of 400 missing persons believed kidnaped or killed by the NPA, including local officials, suspected informers, farmers, and other civilians not directly involved in the conflict.

Hostage-taking by rebels and armed criminal gangs for ransom or publicity is common. In the first 6 months of 1988, the Philippine Constabulary (PC) reported that NPA rebels kidnaped a total of 33 persons, including a number of candidates for local office in the January elections. The rebels also allegedly held hostage 50 school children after a gun battle with government troops in August. Nineteen Communist rebels were charged with kidnaping 5 military officers for 75 days in

Quezon Province. In September Communist rebels again kidnaped soldiers not engaged in combat operations in the same region.

In August an American citizen and his Philippine-born wife were held hostage by armed Muslim elements in Mindanao. They were released unharmed after several weeks.

In September a case involving the disappearance of a newsman ended in acquittal of two members of a criminal syndicate on the grounds that improper methods had been used to obtain the confession and because the victim's body could not be found.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and makes evidence obtained thereby inadmissible in court. It also directs that laws be passed providing for punishment of torturers, compensation for victims, and rehabilitation of victims and their families. Guidelines issued by the CHR in May direct all law enforcement agencies and military elements to avoid unnecessary force in investigation, arrest, detention, interrogation, and other related activities.

The CHR received 25 complaints concerning torture from January to October 1988. TFD claimed to have documented 636 cases of torture in the first 10 months of 1988. For a finding of torture, TFD requires that a person must have been arrested and charged with a crime and that some coercion, such as threats of violence, was used by government investigators. In December Amnesty International (AI) sent a letter to President Aquino alleging that torture appears to be reemerging in the Philippines as a common practice.

In March military officials allegedly detained and tortured two members of the student activist group Kadena for several days, one of whom allegedly died from the injuries he sustained. The CHR is assisting the survivor to prepare evidence to file charges. In July leftist church worker Noel Villalba claimed that his military interrogators used water torture to obtain from him a confession that he used his church position in Hong Kong to channel foreign funds to the Communist Party of the Philippines. The Government admitted that the military held Villalba without charge longer than permitted by law, and he was released on bail soon after subversion charges were filed. Charges, instigated by Villalba, were filed in military courts against his alleged torturers; Villalba subsequently dropped these charges and refused to cooperate with an investigation by the CHR of his widely publicized charges. Villalba failed to appear at his hearing in December, and a warrant was issued for his arrest.

The CHR ordered the filing of criminal charges against the entire police force of Ballesteros, Cagayan Province, for manhandling a detainee during 3 days of interrogation in June. The case had not gone to trial by year's end. The Government is paying for the victim's rehabilitation.

There also have been reports of torture by the NPA. For example, in northern Luzon, NPA rebels reportedly brutally tortured and slowly beat to death two kidnaped PC members.

Although physical punishment is prohibited by law in the Philippine penal system, it occurs in jails and prisons. Prison conditions are harsh and charges of brutality

commonplace. For example, in the 100-year old Manila City Jail, up to 150 people share a large cell in a prison which lacks medical facilities, adequate plumbing, and garbage collection. In one case, prison conditions were reportedly so severe that the CHR investigated and recommended remedial actions. A group of 26 alleged NPA sympathizers from Leyte Province was held in a single cell in Cebu with a cement floor, one toilet, and no beds. Several prisoners were diagnosed as having contagious pulmonary diseases but were not treated. Persons in police custody are reportedly beaten. In December President Aquino formed a task force to review prison conditions and make recommendations for improvements.

d. Arbitrary Arrest, Detention, or Exile

The Constitution permits arrest warrants to be issued only after a judge determines probable cause. Philippine law prohibits holding suspects for more than 36 hours without a finding of probable cause that the person committed a crime. The Constitution also prohibits holding prisoners incommunicado or in secret places of detention. Detainees have the right to a judicial determination of the legality of detention. The Constitution further provides that bail shall be available to persons charged with crimes punishable by any penalty less severe than a life sentence. In practice, if a detainee challenges the legality of the detention (exercising his right of habeas corpus) and is released on bail, the arrest is considered legal and the habeas corpus proceedings are moot.

In May the CHR published guidelines on visitation rights of detainees and on the conduct of investigation, arrest, detention, and related operations by government authorities. The guidelines direct all law enforcement agencies, commanders, and elements of all units under their command to avoid unnecessary force and to follow the rules of court and national police commission policies on arrests and investigations. Nonetheless, the CHR, the TFD, and other human rights groups continue to receive complaints of abuses of these rights.

With the exception of suspected antigovernment rebels, who are often detained without charge and interrogated for several days, arrested persons are usually charged promptly after apprehension, within a day of arrest. The evidentiary requirements needed for a formal arrest are often not fully honored by military personnel in detaining suspected Communist insurgents. There is concern that the requirement of obtaining a warrant risks breaching the security of a planned arrest of suspected Communist insurgents. During the year, there were several raids on Communist safe houses in Manila, resulting in the arrest of important CPP/NPA leaders. These detainees were charged and allowed visitation and lawyers but were not permitted bail for security reasons.

The military has filed charges against suspected NPA terrorists in advance, so that charges already exist in the event of their arrest. The PC reported 757 human rights violations committed by Communist insurgents from January to July. As of October, 280 cases against NPA members for murder, kidnaping, physical injuries, robbery, extortion, grave threats, and arson had been filed by the PC.

Philippine authorities rarely use internal or foreign exile for political purposes. However, former President Marcos and some of his associates have had their passports revoked and

have been discouraged from returning to the Philippines. The Government suspects these persons of conspiring with opposition elements within the Philippines to destabilize the country.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution ratified in 1987 established an independent judiciary and guarantees that those accused of crimes shall be informed of charges against them and have the right to counsel. Trials in the Philippines are public. Defendants enjoy the presumption of innocence and the right to confront witnesses against them, to present evidence, and to appeal their convictions.

The right of defendants to a lawyer is well recognized in law and is generally carried out in practice in Metropolitan Manila. It is less frequently accorded in the provinces, where in many cases no lawyers are available. Many defendants are released because of a lack of legal representation, especially those charged with minor crimes. Those charged with a capital offense are usually held until a lawyer becomes available.

Trials are usually noncontinuous and often last for years. The percentage of individuals charged with criminal offenses who are actually convicted is very low. This is especially true of those who have expert legal representation. Efforts by the Aquino Government to reform the Philippine judiciary and to remove incompetent or corrupt judges have, at least in the short run, increased the already large number of backlogged cases and aggravated the chronic delays.

An example of the lengthy trial process is the trial of the defendants in the 1983 slaying of opposition leader Benigno Aquino. A new trial began in February 1987, and the prosecution had not completed presentation of the case by year's end. Trial sessions are held at intervals of several weeks or longer.

The Government is attempting to accelerate the replacement of judges and the adjudication of cases. A constitutionally mandated Judicial Appointments Commission screens applicants and makes recommendations for appointments to the President. In September President Aquino pledged to fill all vacancies in the judiciary, to improve the Administration of Justice in the country, and to create nearly 2,000 new judicial positions. President Aquino has also ordered speedy prosecution and disposition of graft and human rights cases against government officials, including military personnel.

Supreme Court Chief Justice Fernan, sworn into office in July, vowed to impose administrative sanctions on ineffective judges and to discourage dilatory tactics that "affect the integrity of the judiciary and respect for the rule of law." He also announced a major initiative in the area of judicial reform. In December selected courts nationwide began conducting trials on a daily basis with the objective of rendering decisions in a maximum of 3 months.

Human rights groups continue to criticize the practice of trying military personnel, police, and firefighters in military courts under Presidential Decree 1850. Although the legality

of the decree was upheld by the Supreme Court in 1988, in practice President Aquino has waived military jurisdiction in cases involving human rights abuses. A bill filed in Congress could remove nonservice-related offenses from court-martial jurisdiction.

Prisoners who now claim to be long-term political prisoners are those remaining from the Marcos administration who were charged with serious criminal activity. Rodolfo Salas, former head of the CPP, was arrested in 1986 and remains in custody although not convicted. DND does not recommend bail for high-ranking members of the CPP/NPA on the grounds that release would be a clear and present danger to the community and bail would not be adequate to ensure their appearance at trial.

The CHR received four complaints of political prisoners from January to October 1988. The TFD claims 2,310 persons were arrested or detained for political reasons in the first 10 months of 1988. Most of these were persons detained for several hours before being released following mass arrests accompanying army sweeps of areas harboring suspected rebels. A TFD roster of political prisoners detained as of September 1988 indicated 50 persons held on subversion or rebellion charges filed in 1988, another 50 held on similiar charges filed in 1987, and the balance on criminal charges, such as murder and attempted homicide.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution, search warrants may be issued by a judge on a finding of probable cause. Restrictions on search and seizure are generally observed. The Government does not interfere in family life or the right of parents to raise their children. The Government does not interfere with free personal use of the mails or other public communication systems, except upon issuance of a court order during the course of an investigation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Restrictions on freedom of expression were completely lifted following the revolution of February 1986. The daily press which has emerged is lively, unfettered, and highly competitive. There are some 25 daily newspapers in Manila and many more in the provinces. In all, about 1.4 million newspapers are sold each day around the country. Newspapers cover the political spectrum and show no hesitation to criticize the Government. Publications of the CPP are illegal because of their advocacy of armed rebellion but circulate clandestinely. Although the Government has sequestered assets of some media organizations owned or controlled by relatives or close associates of former President Marcos, there is no evidence of intent to control opinion, as opposed to monetary assets, in those cases.

Human rights groups have registered few complaints about harassment of journalists. Such harassment does not appear frequent or systematic. Journalists have been able to meet and interview those in rebellion against the Government, including military mutineers and Communists. The Government threatened, but did not impose, new restrictions on foreign media after a foreign television crew allegedly paid the NPA

for permission to film a Communist ambush in which several Filipino soldiers were killed.

Radio and television are important news sources in the Philippines. There are 312 licensed radio stations. An estimated 78 percent of all households have radios. Four million television sets bring programming to 40 percent of Philippine families. In Metro Manila, approximately 90 percent of the households have radio or television sets. Most provincial television stations are affiliates of the five Manila channels. Like the press, radio and television stations report views across a wide political spectrum.

Radio station owners and managers have complained about NPA efforts to intimidate them into broadcasting Communist propaganda. Several radio facilities and transmitters have been damaged by insurgents. In some areas, military personnel are stationed at transmitter sites to protect them. Stations that have broadcast material provided by the NPA have been warned informally by local military authorities. Nonetheless, during 1988 no newspapers, radio stations, or television stations were closed by the Government for political reasons.

There is no censorship of publications from abroad. Foreign journalists are able to report freely and generally move about the country, even in areas under rebel control. Major foreign newspapers and television networks have bureaus in Manila.

Critics have charged that the Movie and Television Classification Board (MTCB), whose mandate is to monitor films and television programs for pornographic content, has occasionally stifled political expression. However, no complaints occurred in 1988. The mandate of the MTCB is being questioned by many as a violation of free speech and freedom of artistic expression, but it is likely to remain unchanged because of strong public support for its role in controlling distribution of pornography.

Academic freedom is respected in theory and practice. Approximately 1.5 million students are enrolled in the nation's 78 state colleges and universities and 1,000 private schools and colleges. There is no government censorship of subject matter in classes, university publications, or conferences.

b. Freedom of Peaceful Assembly and Association

Permits from local authorities are legally required for outdoor demonstrations in public places and are routinely issued. Nevertheless, rallies and marches are often held without permits. Except in the most provocative circumstances, the Government has not prevented unauthorized demonstrations.

Protest activities are generally peaceful. Increasingly, rallies without permits held by groups linked to the outlawed CPP have ended in a number of arrests for illegal assembly, public disturbance, or sedition. Typically, those arrested are quickly released and not brought to trial. An exception to the generally peaceful assemblies was the violent dispersal of about 800 demonstrators near the U.S. Embassy in April. Police claim protest leaders did not have a parade permit and attempted to storm the Embassy. The protest's five leaders were charged with illegal assembly and public disturbance.

A broad range of private, professional, religious, social, charitable, and political organizations flourishes in the

Philippines. Countless popular and civic organizations exist and meet regularly. Organizations are permitted to maintain relations or affiliate with recognized international bodies in their fields. The Communist Party of the Philippines is outlawed because it advocates the violent overthrow of the Government, but nonviolent Marxist parties are legal.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion. Freedom of religion is fully respected, and no official discrimination is practiced against any religious group or its members. Although over 80 percent of the population is Roman Catholic, the country's sizable Muslim minority, Protestant churches, indigenous Iglesia Ni Kristo, Aglipayan Church, and other sects all enjoy full religious freedom. Many minority cultural groups follow animistic religious beliefs. Foreign clergymen and missionaries of many faiths practice their profession freely.

Religious minorities are represented among the leadership and rank and file of broad-based political parties. Government service is open to all on a nondiscriminatory basis, and there are senior civil and military officials who belong to minority religious and cultural groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Filipinos enjoy unhampered freedom to change their place of residence and employment within the Philippines. They regularly travel and work abroad. The right to emigrate is unrestricted and citizens have the right to return.

There have been exceptions, in particular two cases which the Government said affected national security. In 1988 the Government revoked the passport of Jose Maria Sison, the founder of the outlawed Communist Party of the Philippines, while he was resident in Europe where he was reportedly engaged in fundraising for the Communist movement. As noted in Section 1.d., the Government has discouraged the return to the Philippines of former President Marcos.

Although the Philippine Government does not accept refugees for internal resettlement, it does provide first asylum for 4,300 Indochinese boat people in Palawan and permits the United Nations to operate a major processing center for 16,000 refugees in Bataan Province. Approximately 25,000 refugees passed through these facilities in 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution ratified in 1987 returned the Philippines to the presidential system of government similar to that in existence from 1935 to 1972. The Constitution limits presidential power, establishes a strong bicameral legislature and an independent judiciary, and encourages stronger local governments to check executive branch authority. Presidential power to declare martial law is curtailed. The Constitution calls for the creation of autonomous regions by 1989 for Muslims in the southern Philippines and for cultural minority groups in mountainous regions of northern Luzon.

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The Philippines has a multiparty system with secret ballots cast in scheduled elections. In the House of Representatives, a single progovernment party enjoys a 75 percent majority. The 23-member Senate is more evenly divided between 3 progovernment parties and progovernment independents in political competition with one another; there is one opposition member. Women and minority groups are represented in Congress. Debate is lively and there is opportunity to criticize, amend, and even occasionally defeat government-sponsored legislation. Democratic opposition to the Government is widely tolerated. Filipinos are free to organize political parties, so long as they do not seek to overthrow the Government by force.

Most provincial and city officials support the Government. In January 1988, elections were held for over 15,000 provincial and municipal positions. Over 150,000 persons competed for these offices. While there were incidents of violence and charges of fraud, the elections were generally fair and efficient. In some remote areas the NPA and armed supporters of other candidates intimidated voters. Local elections to replace barangay or village level officials, twice postponed, are now rescheduled for March 1989. Presidential, congressional, and local elections are next scheduled for 1992.

The voting age begins at 18. There are few restrictions on suffrage. Women enjoy full voting rights and play an active role in political life from the highest to lowest offices. President Aquino is only one of a large number of women in government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Representatives of international human rights groups are free to travel in the Philippines and investigate alleged abuses. Resident delegates of the International Committee of the Red Cross travel freely to monitor prison conditions and assist persons displaced by conflict. The United Nations Center for Human Rights cosponsored with the CHR a conference in Manila on human rights during Human Rights Week in December.

The CHR responds to international inquiries regarding specific cases and will initiate investigations based on third party requests. Government representatives are willing to discuss human rights problems with outside governmental or non-governmental organizations. Representatives of AI, the Lawyers Committee for Human Rights, Asia Watch, and The American Bar Association visited the Philippines in 1988 to discuss human rights issues with government officials. AI and the Lawyers Committee for Human Rights issued separate reports critical of human rights violations committed by so-called vigilante groups. As noted in Section 1.c., AI alleged continuing incidents of torture. These reports were publicized in the local press. President Aquino and other senior government officials have met with representatives of AI and other groups and reiterated to them the Government's strong commitment to human rights.

The Task Force Detainees (TFD) and several international nongovernmental organizations filed a case alleging a Government policy of systematic human rights violations with the United Nations Subcommission on the Prevention of Discrimination and Protection of Minorities in 1987. The chairwoman of the CHR presented the Government's defense, and

in September, based on the Subcommission's recommendation, the United Nations removed the Philippines from the list of countries with a pattern of human rights violations. CHR representatives regularly participate in factfinding missions and jail visits with nongovernmental organizations and other governmental agencies.

From January to October, the CHR received 702 complaints of human rights violations and conducted investigations on nearly half of those complaints. If the CHR determines that a prima facie case has been made, it refers the case to the appropriate agency--Judge Advocate General's office, National Police Commission, Civil Court, or Fiscal's office. From January to June, the CHR issued 178 referrals. The CHR continues to monitor a case after it is referred to another agency. During the first 6 months of the year, the CHR monitored 218 cases. The CHR has completed the organization of 12 regional offices covering the entire country. While reportedly short of personnel, each office is staffed with attorneys and investigators, and the entire CHR staff numbers 600.

A number of nongovernmental organizations (NGO's) are active in the human rights field. These groups are generally unhindered in conducting investigations around the country and are routinely able to obtain safe-conduct letters from the Department of National Defense. Local military and civilian officials have reportedly been uncooperative in some instances.

According to the Government, investigations conducted by NGO's frequently produce insufficient evidence to prosecute successfully cases against alleged perpetrators of human rights violations. The CHR states that only a small percentage of cases referred by NGO's for investigation have sufficient evidence for a prima facie case.

As noted in Section 1.a., the best known human rights NGO is the TFD. The Association of Major Religious Superiors in the Philippines established it in 1974. Headquartered in Manila with branch offices throughout the Philippines, the TFD collects information on alleged human rights violations and publishes statistics on a quarterly basis. It is an outspoken critic of the Government's response to human rights violations. Several TFD workers are among those who reportedly disappeared in 1988. One TFD worker alleged before a Senate hearing that he was tortured for 50 hours by military intelligence in Baguio.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women enjoy most of the same legal rights as men. However, Philippine law and custom continue to discriminate against women and include a limitation on their right to buy and sell property. Women are prominent in Philippine society and well represented in business and professions, such as law, medicine, education, and journalism. Women reportedly hold one-fourth of executive and management positions. Nonetheless, women, like many men, are often employed in low-wage jobs requiring manual dexterity and little decisionmaking or use of technology, and their wages are estimated to be 37 percent of those for men.

An estimated 10 percent of Filipinos, including President Aquino, have some Chinese ancestry. Philippine ethnic Chinese have become increasingly integrated into the population as a

whole, and there is no official discrimination against them today.

At roughly 5 percent of the population, Muslim Filipinos on the southern island of Mindanao and the adjacent Sulu Archipelago are the country's single largest national minority. The historic neglect of the southern Philippines by successive governments has made this region one of the country's most economically disadvantaged.

The Philippine Government does not officially discriminate against Muslim Filipinos in providing access to jobs or social services. Informal discrimination in hiring and promoting, however, exists in both the military and the civil service. Muslims have been elected to public office at the local and national levels and are also employed in various responsible positions in Government offices at the local level. The reason there are proportionately fewer Muslims at the highest levels of the national Government than there are in the population as a whole is a result not of contemporary discrimination against Muslims but rather of the historic neglect of the southern Philippines.

Muslims have preferred to educate their children in Islamic schools in an effort to preserve traditions. In addition to perpetuating differences based on religion, this practice among Muslim Filipinos often has had the unintended effect of depriving them of the skills required to advance into the professional ranks of the civil service. The resulting scarcity of Muslims in the higher levels of the national Government has meant that over the years there have been few advocates for the interests of Mindanao--and fewer still for the interests of Muslim Filipinos--at the cabinet or sub-cabinet level. The Aquino Government has begun to correct Manila's historic neglect of Mindanao, but it will be some time before Christians and Muslims in economically neglected Mindanao catch up with the country's more developed northern islands.

President Aquino is committed to a peaceful resolution of the long-simmering Muslim rebellion. As part of this process, she has established two consultative commissions to draft proposals to grant greater autonomy to Muslim Mindanao and the Cordillera area of Northern Luzon. The Constitution gives the Congress until January 1989 to pass legislation to establish these autonomous regions.

There are also several million Filipinos who belong to other non-Christian and non-Muslim groups which range in size from a few thousand to several hundred thousand. Although most numerous in the Cordillera of Northern Luzon and in Mindanao, these cultural minority groups are found in almost every province. Modernization has reduced the isolation in which these groups have traditionally lived. The ancestral lands of many have been damaged by logging and mining companies, and lowland farmers have expanded into their areas of traditional habitation. They have also not always been afforded equal legal protection. The Government's office of cultural minorities is responsible for protecting the interests of these groups. Representatives of tribal groups have been elected to the Congress and local government offices.

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Section 6 Worker Rights

a. The Right of Association

The right of workers, including public employees, to join trade unions is assured by the Constitution and freely practiced without government interference. While reliable figures on union membership are not available, about 10 percent of the nation's employed work force of approximately 21 million workers are organized into over 3,000 trade unions, not including the 2.7 million workers who are members of the National Congress of Farmers Organization. Most of the trade unions belong to relatively small federations which for the most part are members of two larger trade union groupings, the largest of which is the Trade Union Congress of the Philippines (TUCP), an affiliate of the International Confederation of Free Trade Unions (ICFTU). Politically, the TUCP takes a moderate, prodemocratic, and pro-Aquino stance.

The second largest trade union grouping is the leftist KMU (Kilusang Mayo Uno, or May First Movement) which is heavily infiltrated and influenced by the CPP. Three much smaller trade union groupings are affiliates of the Communist-dominated World Federation of Trade Unions (WFTU). The best known of these is TUPAS (Trade Unions of the Philippines and Allied Services), founded by Bonifacio Tupaz and, until recently, dominated by him and members of his family.

The KMU, the WFTU affiliates, the Federation of Free Workers (FWW) and seven or eight independent trade unions are members of the Labor Advisory Consultative Council (LACC) which together with the TUCP constitutes the worker group when the Government has tripartite conferences of workers, employers, and government. Some union leaders from this group serve as paid, full-time worker representatives in several government agencies, including social security, housing, and maritime regulation. Several union leaders are members of the national legislature. Union officials from the LACC and the TUCP serve on the worker delegation to the International Labor Organization (ILO).

Strikes are legal, including in export processing zones, (EPZ's), and they take place frequently, particularly on the part of the leftist-dominated unions. Industrial relations disputes in 1988 through November resulted in over 1.4 million man-days lost in 256 strikes. The Aquino Administration pursued legal efforts to resolve disputes and rejected calls for "no-strike laws" despite the disincentive that strikes pose to needed investment. On the local level, there have been several cases of violence provoked by unions or management. Sometimes the police or military have been called in to break up illegal strike barricades, and on several occasions their attempts to enforce the law have resulted in violent clashes with strikers. The Department of Labor and Employment (DOLE) has had modest success in averting strikes by encouraging labor-management coope·ation and by expanding the mediation and conciliation service provided by the National Conciliation and Mediation Board (NMCB) established by President Aquino under Presidential Decree No. 126.

b. The Right to Organize and Bargain Collectively

Labor's right to organize and bargain collectively is provided for in law and strongly supported by President Aquino. During the first 20 months she was in office, the number of collective

bargaining agreements in force increased from 2,029 to 3,112. In the same period of time, the number of registered unions increased by about 20 percent.

It is an unfair labor practice to dismiss a union official or a worker who is trying to organize a union. Nevertheless, employers sometimes attempt to intimidate workers by threats of firing or closure. There is a history of industrial relations violence in the Philippines which worsened as a consequence of the insurgency and counterinsurgency. Unionists have been threatened, beaten, and killed. The CPP/NPA, rival unionists, and hired gunmen have all been implicated in such violence, as have civilian defense groups and rightwing elements of the military, whose involvement in such violence has been sharply condemned by the Government. The ILO's Committee on Freedom of Association, at its November 1988 meeting, considered "serious allegations," made by the International Union of Food and Allied Workers' Associations on behalf of the KMU-affiliated National Federation of Sugar Workers, of military or paramilitary repression of trade union activity in Negros Occidental Province. The allegations included reports of violent murders, woundings, arbitrary arrests and detentions, and destruction or damage to rural workers' houses and property from 1987 to mid-1988. The Philippine Government's response to the Committee described the machinery in place to investigate alleged human rights violations but did not respond to all the allegations. The Committee considers the case still open and will reexamine it when the Government supplies further information. AI reported that more than 100 union members, organizers, and political workers with apparent links to the left had been killed in the last year. There were no completed prosecutions in 1988 of those accused of violence against union officials or members.

The DOLE, through the NLRC, has a quasi-judicial system of hearing and adjudicating workers' claims. It is usually slow, but no slower than other elements of the courts and the bureaucracy. With DOLE Secretary Drilon's emphasis on mediation and conciliation, the NMCB has helped reduce the high number of illegal work stoppages. The Secretary has said he prefers this method and other voluntary arbitration schemes to a "strike ban," which he regards as unjust and unnecessary.

Labor legislation is applied uniformly throughout the country, including in the export processing zones.

c. Prohibition of Compulsory or Forced Labor

The Government prohibits forced labor, and there are no reports of it being practiced.

d. Minimum Age for Employment of Children

The Constitution contains prohibitions against employment of children below age 15, except under the sole responsibility of parents or guardians and then only if the work does not interfere with schooling. It allows employment for those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor to be appropriate, but provides that in no case may persons under 18 years of age be employed in an undertaking which the Secretry of Labor has determined is hazardous or deleterious in nature.

The most serious violations of child labor laws occur in piecework or contracting out of embroidery and other garment-

related production. The Aquino Administration has made a sustained effort to investigate and reduce violations of child labor laws outside of the agricultural sector. However, there have been few successful prosecutions of violators of the law and little observable success in reducing the severity of the problem.

e. Acceptable Conditions of Work

The minimum wage in nonagricultural enterprises is $3.33 per day. The agribusiness minimum is $2.81 per day. Despite the minimum wage laws, substantial numbers of workers (mostly laborers, janitors, messengers, drivers, and clerk-typists) earn less than the law stipulates. The average wage of workers in large cities is close to the minimum wage, and in the industrial sector the average wage is considerably above it. In rural areas, wages often fall below the minimum wage.

The minimum wage is not adequate for the support of a single adult wage-earner, much less of a family.

The standard workweek is 48 hours. The law mandates a full day of rest per week. Employees with more than 1 year on the job are entitled to 5 days of paid leave.

A comprehensive set of enforceable occupational safety and health standards is in effect, and provisions regulating hazardous or harmful working conditions are relatively advanced. However, enforcement of minimum wage and health and safety regulations is severely hampered by too few professional labor inspectors. Nonetheless, compliance with health and safety rules is a DOLE priority, and regular inspections take place. In 1988 the DOLE opened a modern occupational safety and health center and began a 5-year training program in occupational safety and health.

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Singapore, a city-state of about 2.6 million people, has a republican form of government based on the Westminster parliamentary system. The majority (75 percent) of the population is ethnic Chinese, with Malays (15 percent), and Indians (7 percent) constituting substantial minorities. The civil service is efficient, and corruption is officially and actively discouraged.

The Government maintains active internal security and military forces to counter perceived threats to the nation's security. The duties of the Internal Security Department (ISD) include enforcement of the ISA, including its provision for detention without trial.

Singapore's free market economic system is one of the most open in the world and it is marked by impressive economic gains--gross domestic product (GDP) grew by 11.1 percent in the first half of 1988. Singaporeans enjoy the third highest per capita income in Asia (after Japan and oil-rich Brunei).

Politics has been dominated by the People's Action Party (PAP), headed by Prime Minister Lee Kuan Yew, which has held power since Singapore gained autonomy from Great Britain in 1959. Thirty years of political stability and economic success have provided a continuing source of popular political support to the PAP.

In September the eighth general election was fairly conducted and contested by the largest number of opposition candidates in 20 years. During the campaign, opposition party candidates pointed to human rights problems, particularly detentions without trial under the Internal Security Act (ISA), as indications that the PAP was pursuing authoritarian policies. Campaign activities by both PAP and opposition party candidates were open and were covered extensively, if somewhat selectively, by the Singapore media. The PAP received 61.9 percent of the popular vote and won 80 out of the 81 parliamentary seats. There were no allegations of malfeasance or fraud related to the election.

By contrast, adverse human rights developments in 1988 included detentions without trial under the ISA, and tight restrictions on freedom of the press (particularly the foreign press). The Government detained for a second time eight persons and their defense attorney under the ISA in April. The eight were detained again for recanting their sworn statements in which they denied mistreatment during their original detention. In May another former detainee and a prominent government opponent were also detained under the ISA. Subsequently, the attorney, the prominent government opponent, and three of those who had been detained again were released. In May the Government expelled a U.S. diplomat, alleging he had interfered in Singapore's internal affairs based on meetings with government opponents. In December, following extraordinary procedures, prosecutors tried on criminal tax charges and a court convicted in absentia a prominent government opponent, who was abroad purportedly for diagnosis and treatment of a cardiovascular condition.

SINGAPORE

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known instances of politically motivated killing.

b. Disappearance

There is no evidence of abduction, secret arrests, or of clandestine detentions that were not subsequently acknowledged by the Government. Opposition elements did not engage in such activities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited under Sections 330 and 331 of the Penal Code. Government leaders, including Prime Minister Lee, have stated that they oppose the use of torture.

During 1988 several foreign human rights organizations reported that abuses had occurred in 1987 in connection with some of the ISA detentions for alleged Marxist activities designed to subvert social order. All but one of the persons detained were released later in 1987 after making statutory declarations that, inter alia, they were not subjected to mistreatment by Singapore authorities. In April 1988, however, nine of these detainees publicly recanted their declarations and alleged that they had in fact been subjected to abuse during their initial detention period in 1987. Eight of the nine were then redetained under the ISA (the ninth being out of the country). Also detained was an attorney advising them; later another ex-detainee who allegedly helped draft the denial of the 1987 statutory declarations was detained again under the ISA. The Government detained them for investigation of the circumstances of their denial of the veracity of the 1987 statutory declarations and for a determination of whether they constituted a threat to Singapore's national security. International human rights groups charged that the redetainees had again been subject to mistreatment. Credible reports indicate that the detainees were subjected to confinement in cold rooms, sleep deprivation, dousing with cold water, and prolonged interrogation. Subsequent to his release, a former detainee issued a press release describing similar treatment during his detention. At habeas corpus proceedings brought by some of the detainees, the Government reported that the detainees were being held in solitary confinement and described the limits on visits by legal counsel and families of the detainees. The Government has continued to reiterate that torture is not practiced in Singapore, but one cabinet minister has publicly acknowledged that "psychological pressure" is utilized. The Government has answered charges of mistreatment by noting that persons have the right to bring charges against those in Government alleged to have committed such criminal acts. One detainee has filed a police report and has also filed a civil suit alleging false imprisonment and assault. The cases are pending.

The Penal Code mandates caning in addition to imprisonment as punishment for certain offenses, including rape, theft, robbery, extortion, housebreaking, and vehicle theft. In

practice, the courts routinely order caning for convictions for these offenses. Although a prisoner may be sentenced to any number of strokes for multiple offenses, 24 strokes are the maximum number which may be administered.

d. Arbitrary Arrest, Detention, or Exile

Arrest without warrant and detention without trial are permitted in some instances under Singapore law. Arrest without warrant is authorized under Section 43 of the Criminal Law (Temporary Provisions) Act and Sections 8 and 65 of the ISA. Detention without trial is authorized under Section 30 of the Criminal Law (Temporary Provisions) Act and Sections 8 and 74 of the ISA. The Criminal Law (Temporary Provisions) Act is used almost exclusively in secret criminal society and drug cases. The Misuse of Drugs Act allows Central Narcotics Bureau (CNB) officers and customs officials to arrest without warrant any person suspected of manufacturing, importing, exporting, possessing, consuming, or trafficking in controlled drugs. The Director of the CNB can commit suspected drug users to a 6-month term in a drug rehabilitation center in cases of positive urinalysis tests. Suspects have a legal right to challenge the finding and can appeal through the court system. There is a functioning system of bail, and those charged in both criminal and security cases are entitled to legal counsel.

Section 8 of the ISA permits the Minister of Home Affairs to order the detention of persons if the President determines that those persons pose a threat to national security. The President may authorize detention for up to 2 years. After 2 years, the President must again determine whether the detainee should be held longer, and may so order, again for up to 2 years. There is no limitation on the number of times a detention order may be renewed. A detainee's case is reviewed periodically by an advisory board, to which the detainee may make representations. The board can recommend that a detainee be released prior to expiration of the detention order. The board's recommendations are not binding. According to the Government, persons are released when the Minister of Home Affairs determines that they no longer pose a threat to national security and that they are unlikely to resume subversive activity. The Minister may also revoke the order of release. Under Section 74 of the ISA, police authorities may detain a person for up to 48 hours; the Minister of Home Affairs can then order the detainee to be held for up to 28 days longer. Although ISA detainees are normally allowed access to lawyers and visits by relatives, those detainees arrested in April were held incommunicado for 10 days.

In defending the ISA, the authorities maintain that the Communist Party of Malaya (CPM) has not abandoned its intent to overthrow the Government by force and that the need for continuing social harmony requires special measures. Government leaders have also claimed that the ISA is necessary to detain Singaporeans who might become "beholden" to foreign powers, citing past cases where Singaporeans were found to have been agents of neighboring governments, and more recent allegations that some in opposition to the Government received foreign backing.

On three occasions in 1988, the Government used its powers under the ISA. In April nine people were detained without trial under the ISA. In May the Government detained a businessman who allegedly assisted in drafting the repudiation

of the Statutory Declarations. In May the Government arrested Francis Seow, a former Solicitor General, who had indicated support for the nine detainees. The Government charged that Seow had been "cultivated" by U.S. diplomats for a plan to organize an opposition candidate slate to run in the anticipated general elections. Citing statements made by Seow during detention, the Government unexpectedly requested the immediate withdrawal of a foreign service officer assigned to the American Embassy in Singapore. The U.S. Government complied with the request under protest and subsequently expelled a political officer assigned to the Singapore Embassy in Washington. By July Seow and 4 of the 10 people detained in April and May had been released.

Chia Thye Poh, a former Member of Parliament, also remains in detention under the ISA for alleged membership in the CPM. He has been held without trial since 1966. According to the Government, Chia will be released when he publicly renounces the use of force to effect political change; he has refused to do so, denying that he advocates violence. Government officials have also announced publicly that Chia will be released if he agrees to leave the country. Canada offered to grant Chia asylum in 1987, but Chia reportedly refused and insisted on receiving an open trial on the charges against him.

No formal charges have been brought against any of the detainees held under the ISA, and no trials have taken place. The Government has said publicly that in security cases traditional evidentiary and due process standards do not apply. During the summer of 1988, a series of habeas corpus proceedings were brought by some of the April detainees to challenge the legality of their detention, but the trial court ruled that executive decisions regarding detentions under the ISA are not reviewable by the judiciary. Attorneys for the detainees appealed the trial court decision to the Court of Appeals. In December that court, ruling that the detention orders were technically defective, granted the writ of habeas corpus and ordered the release of four of the ISA detainees. However, the four were immediately served with new detention orders, with the technical defect corrected, and redetained. The four have filed new habeas corpus petitions challenging the new detention orders. The court has granted leave for the petitions to be filed, but will not hear arguments on the new petitions until early 1989. On December 19, the Government announced that the Appeals Court had asserted an overly broad right of judicial review of ISA detentions and that the Government will seek amendment of the ISA to narrow the scope of judicial review.

According to the Government, four Malaysians detained in 1987 for allegedly inciting ethnic tensions have been released. Eight people remained under detention under the ISA as of November 30. According to the Government, some 1,250 people are held in indefinite detention under the Criminal Law (Temporary Provisions) Act, with the large majority being held on narcotics-related charges.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Persons detained under the provisions of the ISA and the Criminal Law (Temporary Provisions) Act do not enjoy the right to a public trial, which is accorded in all other cases. In normal cases the Criminal Procedures Code provides that a

charge against a defendant must be read and explained to him as soon as it is framed by the magistrate. The accused has the right to be represented by an attorney (advocate). Trial is by a magistrate or judge rather than by jury. In most cases, defendants may appeal their verdicts to higher courts. Singapore is a member of the British Commonwealth, and Singapore law provides for appeal to the Judicial Committee of the Privy Council in London in certain cases, for example, where legal questions are reserved or where the cases are of "public interest."

Judges are appointed by the President on the recommendation of the Prime Minister in consultation with the Chief Justice. Subordinate court judges (magistrates) and public prosecutors are civil servants and can be transferred by the Legal Service Commission.

The political opposition has accused the government leadership of interfering in the judicial process; the Government has denied these allegations. In July an opposition politician was convicted of contempt of court for implying that the courts were not independent in politically sensitive cases. In a November decision overturning the disbarment of a former opposition Member of Parliament, the Privy Council criticized the High Court's role in convicting the defendant for a crime which led to his disbarment. The Privy Council noted the "grievous injustice" of the oppositionist's expulsion from Parliament as a result of the conviction.

Some critics contend that the Government is using a criminal tax proceeding to exclude prominent oppositionist Francis Seow from Parliament. In August a magistrate reversed a previous procedural ruling in favor of Seow, and Seow had to enter a plea. However, the magistrate scheduled the trial for November, thereby permitting Seow to run for Parliament in the September elections. After granting several postponements while Seow underwent medical treatment in the United States, the court ordered the trial to proceed on December 15 without Seow's presence. Subsequently the court convicted Seow on five of six tax evasion charges. The trial on the sixth charge was rescheduled for January 3, 1989.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government uses its wide discretionary powers when it believes that the security of the nation is threatened. In most cases, search warrants are required for intrusion into the home. Law enforcement officers may, however, search a person, home, or property without a warrant if they decide there are grounds to do so. In ISA cases, warrantless searches are common. Judicial review of such searches can be undertaken by the courts at the request of the defendant but it is not automatic. Divisions of the Government's law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board (CPIB), have a wide network for gathering information. Government opponents have alleged that the authorities monitor telephone and other private conversations.

During the September 1988 elections, both PAP and opposition candidates published statements accusing opponents of alleged personal, moral, and legal misconduct. Some ruling party criticisms may have been based on documents compiled by

government investigative authorities, including confidential tax information.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution permits official restrictions on the freedom of expression. During an official visit to the United States in April, Lee Kuan Yew stated that the Singapore Government sets its own standards and has no obligation to uphold a free and unrestricted press. In practice, freedom of speech and press is circumscribed, and the Government forbids statements which it thinks might arouse tensions among the various races or which threaten national security or public order. Inflammatory discussion of race, religion, and language is officially forbidden.

Newspapers are published by private firms with close ties to the national leadership. While there is no direct censorship of the press, editors have acknowledged there are restraints, and journalists understand the guidelines within which they must operate. The local media did not exceed the press guidelines in 1988. During the general election campaign, the media devoted greater coverage to PAP positions, candidates, and campaign events than to those of the opposition, although the opposition was covered extensively. The media has similarly reported, accurately but selectively, domestic and foreign charges of human rights abuses.

The Government brought charges against an opposition Member of Parliament, alleging that his party printed unauthorized editions of the party's newspaper.

A wide range of international magazines and newspapers can be purchased uncensored in Singapore, although newspapers printed in Malaysia are not circulated. The country is a regional publishing center for a number of international magazines and newspapers. Under the Newspaper and Printing Press Act, the Government may restrict the sales and distribution of foreign publications deemed to have "engaged" in Singapore's domestic politics. The Government interprets the statute as giving it an unrestricted right of reply to foreign media coverage of Singapore and obliging foreign publications to publish such replies in full. Because of noncompliance with this obligation, the Government restricted distribution of three foreign publications in 1987, and in 1988 continued to enforce restrictions placed on Asiaweek, the Far Eastern Economic Review (FEER), and the Asian Wall Street Journal (AWSJ).

Restrictions on the circulation of Asiaweek have been changed from 500 to 5,000 copies per issue after Asiaweek agreed that it would not "engage" in the "domestic politics of Singapore." The AWSJ challenged the Government's action in Singapore courts, arguing that the order restricting its circulation should be invalidated because the refusal to publish a letter from the Government did not amount to "engaging in domestic politics." A Singapore trial court found in favor of the Government in May, but the AWSJ is appealing the judgment. The FEER is also involved in legal proceedings. The Government has accused the FEER of printing "malicious criticism" and "damaging statements" against the Prime Minister, even though the magazine consistently accorded the Government the right of reply. Prime Minister Lee's

lawyers are also suing for damages. The FEER case was still in evidentiary stages at year's end.

With respect to nonprint media, the government-owned Singapore Broadcasting Corporation (SBC) has a monopoly on domestic radio and television broadcasting, and follows government guidelines similar to those pertaining to local print media. Malaysian radio and television can be received uncensored in Singapore; the British Broadcasting Corporation world service also broadcasts locally on the FM band. An official board of film censors approves motion pictures, as well as video cassettes, and television programs. Other government bodies censor other media; such censorship is aimed at material which the Government believes would undermine morals, advocate excessive permissiveness, promote drug abuse, or increase social tension. Literature and films featuring explicit sexual or drug-related themes are therefore banned. In May the SBC restricted the broadcast of seven songs, enunciating a policy that "songs which are political, religious, contain undesirable influences, or do not conform with national objectives will be restricted in broadcast."

In separate actions, the Government refused the application of the resident AWSJ journalist to extend his annual work permit and refused to authorize a replacement for him. During the campaign period preceding the September 3 parliamentary election, reporters for the FEER and the AWSJ were asked to leave or denied entry under Singapore visa and immigration regulations.

Some opponents, as well as government supporters, have contended that the PAP has used civil proceedings to limit freedom of expression. In 1988 Prime Minister Lee either won or favorably settled several civil suits which he brought, alleging that government opponents slandered or defamed him. The Prime Minister had instituted such suits before and has never lost a case. Defendants have had to pay hefty civil damages and court costs. One award to Lee amounted to about $250,000, reportedly the largest civil award for libel and slander in Singapore's legal history. Lee has consistently donated all awards to charity. Recently, government critic Francis Seow filed a defamation suit against Minister of Trade and Industry Lee Hsien Loong.

The National University of Singapore (NUS) is the leading academic institution, with the National Polytechnic Institute and Nanyang Technological Institute following next in terms of prestige. The members of the faculties at these institutions are Government employees. A number of NUS lecturers are concurrently PAP Members of Parliament. The opposition fielded no candidates from academia during the general elections. Oral and written criticism of government policies occasionally occurs on campus. For example, at the request of the Government, the NUS Sociology Department conducted and published a study of young people's dissatisfaction with government policies. Their criticisms were subsequently reported in the print media. Criticism of government leaders and alleged authoritarian tendencies is infrequent.

b. Freedom of Peaceful Assembly and Association

Assemblies of more than five people in public, including political rallies, are authorized only with permission from the police. In practice, the Government does not stop social gatherings regardless of the number present. Several

thousands of Singaporeans attended ruling and opposition political party rallies at authorized sites during the general election campaign in August and September with no interference from law enforcement agencies.

Associations, societies, clubs, churches, and other organizations with more than 10 members must be registered with the Government under the Societies Act. Registration is denied to societies that the Government believes are likely to be used for unlawful purposes or for purposes prejudicial to public peace, welfare, or public order. During the election campaign, several opposition candidates alleged that the Government has exercised its broad discretion systematically to prevent the formation of any association or organization that could provide a basis of support for opposition parties or movements. These opposition candidates pointed out that, in contrast, various approved social, youth, and labor organizations were supporting the PAP. The opposition allegations principally were that government actions, such as the detention and redetention of young social activists in 1987 and 1988 had a chilling effect on the formation of organizations with opposition orientations. In response, the PAP attributed the lack of opposition to opposition disorganization, lack of leadership, and lack of alternative policy programs.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is affirmed by the Constitution and usually respected in practice. However, all religious groups are subject to government scrutiny and must be legally registered. The Government restricts religious sects with views it considers inimical to the common good by application of the Societies Act, and it has banned some groups under this rationale. A Presidential Council on Minority Rights exists to ensure that legislation does not infringe upon the rights of ethnic or religious minorities. There is no state religion. The Government has provided financial assistance to build and maintain mosques. There is no religious test for employment with the Government or for membership in the PAP. Missionaries are permitted to work and to publish religious texts.

The Government draws a sharp distinction between purely religious activities and social activism flowing from religious beliefs. It expelled officials of the Christian Conference of Asia in December 1987 for alleged involvement in "political activities." Most of the ISA redetainees are Roman Catholic, but the Government contends that their arrests were not because of their religion but due to their allegedly illegal political activities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no limitations on freedom of movement within the country other than those under the ISA. The ISA allows the Minister for Home Affairs to suspend or revoke a detention order or impose restrictions on an affected person's activities, place of residence, and travel outside of Singapore. All Singaporean residents over the age of 13 are required to register with the Government, receive and carry an

identification card, and report changes of address within 14 days. A person may be denied a passport at the Government's discretion, although in practice this applies only to those convicted of a serious crime. Males approaching the age of 18 (when national service is generally performed) must obtain an exit permit from the Ministry of Defense. Recipients of government-financed higher educational benefits are required to sign a bond obligation to serve the Government for a fixed period and may not cease employment or emigrate within the prescribed period without paying the balance of their bond.

The right of voluntary repatriation is extended to holders of Singaporean passports. However, several hundred ethnic Chinese who left Singapore for China during the politically difficult 1940's and 1950's have encountered obstacles to their return. In 1985 Parliament provided for the loss of citizenship by Singaporeans who reside outside Singapore for more than 10 years consecutively. Action under this law is discretionary and has been taken in at least one case.

Refugees rescued at sea are granted first asylum for up to 90 days in Singapore if the rescuing vessel's next scheduled port of call is Singapore and if a resettlement country provides a guarantee of removal within 90 days. Singapore does not accept refugees arriving in small boats but will assist in reprovisioning and repairs of refugee vessels before pointing them towards first asylum countries. Government officials have stated that Singapore will admit ship stowaways only when a resettlement guarantee exists and when the ship in question is Vietnamese and returning directly to Vietnam. In September Singapore made an exception to this policy by allowing 13 Vietnamese stowaways to transit through Singapore en route to a regional refugee processing center.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Lee Kuan Yew has served as Prime Minister since independence. Lee heads the PAP, a broadly based institution and the dominant political party in Singapore. It includes representatives from all racial communities in Singapore and is rooted in neighborhood, youth, and labor associations. Non-Communist parties are legally free to organize, subject to strict regulations on party constitution, fundraising, and accountability. Opposition parties are monitored closely by the Government, which justifies its action on the grounds of possible Communist infiltration and enforcement of libel laws in connection with election campaigning. Seven opposition parties ran candidates in the September general elections, and several other parties are legally registered but have been dormant. Voting is compulsory; those failing to vote are subsequently removed from the rolls but can be reinstated upon paying a fee of about $2.50. The traditional voting rate is over 90 percent, a rate reaffirmed in the September 3 elections.

When the September elections for Singapore's 81-seat Parliament were called, opposition parties complained that the event was a "snap" election with insufficient notice (16 days) for them to prepare. The 16-day notice was, however, in accord with minimum requirements under the law. Opposition parties also criticized the domestic media for bias in favor of the PAP and accused the PAP of pursuing authoritarian measures designed to stifle viewpoints differing from those of the PAP. The opposition parties alleged furthermore that the

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"Group Representation Constituency" (GRC) system (3-man teams representing large districts) instituted by the PAP-controlled Parliament effectively immunized the PAP from serious electoral challenge in the GRC districts. The PAP contended that the GRC system is designed to promote the rights of minorities by ensuring ethnic minority representation in Parliament. Opposition party slates contested 10 of the 13 GRC's at stake in the September elections and came close to winning 3.

The PAP ran on its record of economic and political achievements while the opposition parties ran on a theme of preventing "authoritarianism" under PAP rule. Eleven seats were uncontested "walkovers," which PAP candidates won by default. The remaining 70 seats were contested by a total of 75 opposition candidates. Thousands attended both ruling and opposition party rallies. Three televised, equal-time debates drew a large audience of viewers.

The PAP won 80 of the 81 seats, with only the opposition Singapore Democratic Party (SDP) winning a single seat. The PAP won 61.9 percent of the popular vote in the 70 contested races. Two candidates from the opposition Workers' Party--one of whom was Francis Seow--accepted seats under a provision of the Parliamentary Elections Act that gives losing opposition candidates who gained the highest percentage of the popular vote a maximum of three "nonconstituency member of parliament" seats with limited, nonvoting privileges. As a result of the 1988 election, there are now four female members of Parliament, an increase of one over the number of women in the previous Parliament.

Opposition parties did not allege any misfeasance during election day, and it is generally accepted that the voting and vote-counting system were fair, accurate, and free from tampering.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Governmental bodies, such as the presidentially appointed Minority Rights Council, monitor alleged violations of minority rights, primarily any concerning the Malay minority. There are, however, no nongovernmental organizations which actively and openly monitor alleged general human rights violations. Amnesty International is not allowed to operate in Singapore. Representatives of the U.S.-based Asia Watch visited Singapore twice in 1988. One met with Prime Minister Lee in May, and another visited the country in August.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Because of Singapore's history of intercommunal tension, the Government takes affirmative measures to ensure racial, ethnic, religious, and cultural nondiscrimination. Social, economic, and cultural facilities are available to all citizens regardless of race, religion, or sex. Minorities are constitutionally afforded equal rights and actively participate in the political process. Disparities exist among the various races, although not as a result of government policies. Government officials have acknowledged that Malay Singaporeans are represented disproportionately in the bottom

quarter of Singapore society, based on income, although precise statistics are not readily available.

Women generally enjoy equal rights, primarily under the 1969 Women's Charter and the Constitution, but they do not have equal rights with men in the transmission of citizenship to their children or in the right to residence of a foreign spouse in Singapore. Muslim women's rights are protected by the provisions of the 1957 administration of Muslim law, which permits Muslim women to apply for divorce and permits them to hold and dispose of property. Women's voting rights are protected under the law.

Although women appear well represented in the middle ranks, there are few women in the top ranks of the civil service or business. In 1986 the median gross monthly income of female workers was 76 percent of that for male workers. As a result of a chronic labor shortage, more women are entering the work force, and unions have begun attempting to organize them.

The Government has encouraged the development of Confucian Ethics ("Conthics") as a moral guide and as part of the elective curriculum, especially for Singaporeans of Chinese extraction. However, Singaporeans of any ethnicity and religion can freely choose to adopt or ignore "Conthics."

Malay is the national language of Singapore, but English, Tamil, and Mandarin are also official languages. English is the language of administration. Schooling can be had in any of these languages, and there is official encouragement of multilingualism. Some critics allege that an ongoing "Speak Mandarin" campaign is a government-sponsored attempt to entrench ethnic Chinese as the dominant group, but the Government has claimed that the "Speak Mandarin" program is aimed at encouraging understanding among Singaporean Chinese who are separated linguistically by the different regional dialects they speak.

Section 6 Worker Rights

a. The Right of Association

Singapore's Constitution gives all citizens the right to form associations (Article 14), including trade unions. Parliament may, however, impose "such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof, public order or morality." The right of association is delimited by the Societies Act and labor and education laws and regulations. Labor unions can be formed so long as they are not detrimental to the national security, public order, or morality. In practice, Communist labor unions are not permitted.

The National Trades Union Congress (NTUC) is a member of the International Confederation of Free Trade Unions (ICFTU); the Asian and Pacific Regional Organization (APRO) of the ICFTU has its headquarters in Singapore. Singapore is a member of the International Labor Organization (ILO) and has ratified ILO Convention No. 98 on the Right to Organize and Collective Bargaining but has not ratified Convention No. 87 on Freedom of Association and Protection of the Right to Organize.

The national work force is comprised of about 1.2 million workers, of which some 210,000 are organized into over 80 trade unions. Some 70 of these, including about 90 percent of

the unionized workers, are affiliated with an umbrella organization, NTUC, which has a close relationship with the Government. Though there is no formal link between the PAP and the NTUC, the second Deputy Prime Minister serves as its Secretary General, and about a dozen NTUC officials were elected to Parliament as PAP candidates in the September elections.

Some government critics characterize the close association between the PAP, the NTUC, and the Government as being designed to further the Government's political and developmental goals rather than strictly to promote workers' interests. For example, the NTUC enunciated a new policy in October that the unionists who actively support opposition parties should not remain officials of the NTUC because the NTUC and the PAP share the same ideology. In the implementation of the policy, officials of NTUC-affiliated unions who had run as opposition parliamentary candidates were removed from their union positions. Two members of a NTUC taxi cooperative who ran on the opposition ticket were forced to leave the cooperative. An NTUC employee who ran as an oppositionist was fired. The NTUC actions were limited to those who were opposition candidates and has not extended to those who merely supported the opposition.

Many observers in Singapore note that the PAP, the Government, and the NTUC have a symbiotic relationship, especially because Singapore is in effect a one-party state. Workers have the legal right to strike, but strikes are rare. In the only recent strike (in 1986), NTUC officials, including PAP members of Parliament, joined the picket line. Reasons given for the paucity of strikes include a cultural aversion to confrontation on the part of the workers, the fact that there is a functional institutional framework for resolving industrial disputes, and a widespread belief that the Government would intervene in activities which would reflect badly on Singapore's attractiveness as an investment center. Another probable factor is the fact that from 1980 to 1988 wage increases averaged approximately 7 percent while the GDP grew at an average annual rate of over 6 percent, thus boosting real average incomes. The NTUC, the Government, and business leaders point to this record as evidence that the National Wage Council structure fairly accommodates the interests of all concerned parties.

Several unions have been founded outside of the NTUC. Catering staff and pilots for Singapore Airlines and Chinese language teachers, for instance, have formed unions outside of the NTUC framework. They function freely and have a reputation for aggressively representing members' interests. As the economy shifts away from manufacturing--where unionization has traditionally been common--towards the service sector, the NTUC has launched a campaign to increase union membership in the services sector, among female employees, and among part-time employees.

b. The Right to Organize and Bargain Collectively

The Trades Union Act authorizes the formation of unions with broad rights, albeit with some narrow restrictions--such as prohibitions on the unionization of uniformed employees and the holding of union office by persons with criminal records. Collective bargaining is a normal part of management-labor relations in Singapore, particularly in the manufacturing sector. On the average, collective bargaining agreements are

renewed every 2 to 3 years. As the wage increase figures cited above indicate, labor has fared relatively well at the bargaining table. This result may be attributable in part to Singapore's small population and resultant tight labor supply. Workers with higher skill levels that are in relatively short supply have a record of job-hopping if they are dissatisfied with their workplaces. The Government attempted to deter job-hopping in 1988 by proposing a tracking plan, whose services would be made available for a fee to potential employers, but the proposal met with little interest from the private sector. The Government seeks to make Singapore highly competitive in international trade and, as part of that effort, strives continuously to upgrade the skills of workers.

The ILO's Committee of Experts on the Application of Conventions and Regulations, at its 1988 session, discussed the Singapore Government's reluctance to introduce amendments to bring its legislation excluding certain conditions of employment from collective bargaining into conformity with the provisions of Convention 98 because "such action might endanger the balance and harmony that reign in industrial relations that have long been based on harmony and mutual trust." The Government also pointed out that it is current practice to consult workers on these aspects of conditions of employment when necessary. While taking note of these views, the Committee urged the Government to ensure that the legislation be amended so as to give workers the possibility of negotiating on a voluntary basis all the aspects of their conditions of employment. The Committee also requested the Government to indicate the measures it envisages taking to encourage and promote the development and utilization of collective bargaining with a view to regulating the terms and conditions of employment of workers in enterprises where there are as yet no unions.

Labor laws and regulations are enforced uniformly throughout Singapore.

c. Prohibition of Forced or Compulsory Labor

Singapore law forbids the use of forced or compulsory labor, and such labor is not found in Singapore.

d. Minimum Age for Employment of Children

The Government enforces the employment act which sets the minimum age for the employment of children at 12 years of age.

e. Acceptable Conditions of Work

The Singapore labor market offers relatively high wage rates and working conditions consistent with accepted international standards. Singapore, however, has no minimum wage or unemployment compensation. Because of a continuing labor shortage, wages have generally stayed high, and the unemployment rate at about 3 percent. In 1988 the Government continued implementation of a flexible wage program wherein labor and management in private companies agree to set bonuses based on the annual profitability of the companies as well as on the companies' international competitiveness. Because of Singapore's booming economy in 1988 and the consequent high demand for labor, the "flexiwage" system has not resulted in a loss of real income for workers.

SINGAPORE

The Government enforces comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, have reduced the frequency of job-related accidents by a third from the early 1970's to the early 1980's. The average severity of occupational accidents has also been reduced.

Because of the domestic labor shortage, over 100,000 foreign workers were employed in Singapore as of September 30. Most are unskilled labor and household servants. The Government controls the numbers of foreign workers directly through immigration regulations and indirectly through levies on firms hiring foreign workers. The Government officially encourages the employment of Singaporeans over foreign workers and exacts a levy on persons and firms hiring foreign workers. Other employment, social insurance, and safety regulations are applied without discrimination against foreign workers. Foreign workers face no legal wage discrimination, but the concentration of foreign workers in low-skilled jobs and the extra cost for employers in the form of levies for hiring foreign workers suggest that they are in general paid less than Singaporeans. There are no labor unions composed of foreign workers, and Singaporean labor unions do not recruit foreign workers as members. Some human rights groups have charged that household servants, especially Filipino maids, are subject to illegally long work hours as well as occasional mistreatment and confinement in the households where they are employed. In March the Philippines imposed a ban on household servants working abroad in an effort to secure better working conditions for them. However, the Government of the Philippines has included Singapore among a number of countries to which Filipino household servants are permitted to go to work.

SOLOMON ISLANDS

Solomon Islands is an archipelago comprising 6 large islands and many smaller ones stretching over 840 miles in the South Pacific. Its population of about 300,000 makes it the second largest (after Papua New Guinea) of the Melanesian countries. Its government is based on a modified Westminster parliamentary system consisting of a single-chamber legislative assembly of 38 members. This system, adopted when the country became independent in 1978, accords with both Solomon Islands' experience and the Melanesian tradition of leadership based upon individual achievement and political consensus. Political legitimacy thus rests on direct election by secret ballot.

The police are under civilian control: there are no other armed forces. The courts are independent and vigorously protect individual rights. Since independence, two parliamentary elections have been held, and two additional changes of government were accomplished by vote of Parliament. Another general election is scheduled for early 1989.

The gross domestic product fell steadily from 1984 to 1986, but increased somewhat in 1987 and continued to rise throughout 1988. Solomon Islands still faces a long-term decline in the terms of trade of commodity exports versus manufactured imports, growing national budget deficits, increasing foreign trade imbalance, and higher debt service costs. Poor economic performance has been exacerbated by population growth of about 3.5 percent annually. Government leaders have recently begun public education campaigns extolling the benefits of limiting or spacing children.

No human rights abuses were reported in 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killing has not occurred in Solomon Islands.

b. Disappearance

There were no reports of political disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is neither practiced nor condoned. All basic individual rights are provided for in the Constitution, implemented by the authorities, and defended by the courts. In addition, there is a constitutionally provided office of Ombudsman to look into and provide protection against administratively caused improper or unlawful treatment.

d. Arbitrary Arrest, Detention, or Exile

There is no evidence of politically motivated arrests. Exile is not practiced.

With regard to forced or compulsory labor, see Section 6.c.

SOLOMON ISLANDS

e. Denial of Fair Public Trial

Accused persons are entitled to counsel. Provision is made for writs of habeas corpus under the law. Coerced statements are illegal. Violations of civil liberties are punishable by fines and jail sentences. Slow police investigations and delays in bringing charges had been a problem in past years. In 1988 the judiciary began attacking the denial of speedy trials by dismissing prosecutions commenced long after the alleged act and by investigating and criticizing cases of unacceptable delay by police or prosecutors.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In addition to legal provisions, the traditional culture governing the daily lives of most Solomon Islanders provides strong protection against these types of abuses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions, an independent press, and a functioning democratic political system combine to ensure freedom of speech and press. There are two private weekly newspapers, weekly and monthly national government newsletters, and one provincial government weekly. The state-owned radio gives significant coverage to statements of opposition politicians. After an Australian Broadcasting Corporation (ABC) report deemed unflattering and offensive by the Prime Minister, ABC journalists were denied entry into Solomon Islands for several months in 1988, but the ban was eventually lifted. There are no other instances of restrictions ever having been placed on journalists.

b. Freedom of Peaceful Assembly and Association

The right of association is provided for in the Constitution and freely exercised. Demonstrators, however, must obtain a permit. There are no instances of a permit having been denied on political grounds.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is guaranteed by law, there are no controls on the practice of religion, and there is no religious discrimination. Although Christianity is the predominant religion, and a wide variety of Christian denominations are represented, indigenous beliefs also continue to be practiced. Missionaries work without restrictions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal or administrative restrictions on the freedom of movement of Solomon Islands' citizens within or out of the country. Natural-born citizens may not be deprived of citizenship on any grounds.

SOLOMON ISLANDS

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Since independence, Solomon Islands has had two parliamentary elections and several elections for provincial and local councils. The next election is scheduled for February 1989. Election results were contested in some constituencies, and court decisions resulted in new polls in a few instances. Citizens over the age of 18 enjoy universal suffrage. There are no women in senior government positions or in Parliament, although women are involved in politics and have run for national office.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no allegations by outside organizations of human rights violations in Solomon Islands nor any request for investigations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no discrimination on the basis of race, religion, language, or social status. Indigenous Solomon Islanders are favored over naturalized citizens in the matter of land ownership. The law accords women equal legal rights, but the traditional society, where males are dominant and women are seen in traditional family roles, has hampered them from taking more active roles in the economic and political life of the country. Where women do have jobs, they are usually in secretarial or clerical jobs on the lower end of the pay scale. Few businesses are owned by Melanesian women. A shortage of employment opportunities throughout the country and a predominantly young population with many more job seekers than jobs available have also inhibited the entry of women into the work force. The National Council of Women is actively involved in trying to improve the position of women in society. Only about 25 percent of the population aged 15 through 24 work for wages. Another 70 percent are self-employed, mainly as copra farmers or market gardeners, whose wives and family members are usually unpaid helpers.

Section 6 Worker Rights

a. The Right of Association

Solomon Islands law recognizes the right of workers to organize, to choose their own representatives, to determine and pursue their own views and policies, and to engage in political activities. Unions exist and are active in both the public and private sector, but only private sector unions have the right to strike--a right which has often been exercised. The small percentage of workers actually involved in the wage economy, however, means that there is an ample supply of replacement workers for employers to draw on if disputes are not resolved quickly. Solomon Islands joined the International Labor Organization (ILO) in 1984, but has not yet ratified ILO Convention No. 87, on Freedom of Association and Protection of the Right to Organize, or Convention No. 98, on the Right to Organize and Collective Bargaining. Solomon Islands unions are free to affiliate internationally and the

largest trade union, the Solomon Islands National Union of Workers, is affiliated with the Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

The Solomon Islands National Union of Workers, and other smaller unions freely organize workers. The Trade Disputes Council exists to arbitrate between unions and employers. Workers are protected against antiunion activity, and there are no areas where union activity is officially discouraged. Labor laws and regulations are applicable uniformly throughout the country and there are no economic incentive zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited, except as part of a court sentence or order.

d. Minimum Age for Employment of Children.

Solomon Islands has comprehensive laws on worker rights. Child labor is forbidden for children under the age of 12 except in the company of parents in light agricultural or domestic work. Children under 15 are barred from work in industry or on ships; those under 18 cannot work underground or in mines.

e. Acceptable Conditions of Work

Power to set minimum wages lies with the provincial governments. At the present time, in Honiara and provincial government stations, it is about 30 cents per hour. While small, this provides an adequate standard of living within the local context when supplemented by the subsistence farming and fishing practiced by most families. As most of the population is engaged in subsistence labor, and there is high unemployment and underemployment, workers are readily available at this wage. Labor laws regulate premium pay, sick leave, the right to paid vacations, and other conditions of service. The standard workweek is 45 hours and limited to 6 days per week. There are provisions for premium pay for overtime and holiday work. Both an active labor movement and an independent judiciary ensure widespread enforcement of labor laws in major state and private enterprises. The extent to which the law is enforced in smaller establishments and in the subsistence sector is unclear. Information on occupational safety and health legislation is not available.

THAILAND

Thailand's government is a constitutional monarchy with a strong executive branch and a bicameral legislature composed of a 357-member elected House of Representatives and a 267-member appointed Senate. The civilian government bureaucracy and the military play strong roles in Thai political life. The Senate, which has limited legislative powers, is composed largely of active duty or retired military men and government officials. The monarchy exerts strong informal influence. The prime minister and members of his cabinet are subject to votes of confidence, although they need not be elected members of Parliament themselves. Free national elections for the House of Representatives were held in July 1988 with record participation, following which the current Prime Minister, Major General (retired) Chatichai Choonhavan formed a six-party coalition government supported by roughly three-fifths of the House.

Thailand's security services operate within a constitutionally mandated framework reflecting the strong executive branch orientation of the Government. They have formidable powers, sometimes utilized in an uneven way. Human rights abuses attributable to the security services are not sanctioned by the Government, which has taken steps to ameliorate those abuses that do occur.

Communist insurgents and Muslim separatists operate in rural areas and use terrorism to advance their respective aims. Criminal groups also often resort to violence. In recent years, the Government has made notable progress in reducing the influence of these groups, particularly of Communists and Muslim separatists, but sporadic low-level violence in southern Thailand continues to occur.

Thailand is an emerging, middle-income, developing country with a free enterprise economic system in which individual economic interests and the right to hold private property are strongly protected. Although the industrial sector has expanded rapidly in recent years, 70 percent of the Thai people still live in the countryside, and agriculture remains the main source of livelihood.

Thailand's citizens continued to enjoy a wide range of civil and political liberties. Autonomous political parties, gatherings, and associations are allowed, and freedom from arbitrary detention or search is generally safeguarded, notwithstanding some rarely enforced restrictive laws. Although it practices some self-censorship, particularly in regard to the monarchy and military, the press is among the most free in Asia. Human rights activists in Thailand are able to bring issues to the attention of the Government and public and to lobby for corrective action.

Over the years, Thailand has provided first asylum to over 1 million persons fleeing persecution in the three Indochinese states. In 1988, however, Thailand severely curtailed the availability of first asylum. Thai authorities began interdicting and redirecting Vietnamese boats trying to reach Thai shores, and on several occasions have forcibly returned to Laos Lao nationals who have crossed the border. While it appears that the authorities endeavor not to put asylum seekers at risk in carrying out these actions, on several occasions deaths and injuries have resulted from them. In addition, access to the Lao refugee screening system has been

restricted, resulting in another weakening of the practice of first asylum. On the positive side, Thailand made significant progress in 1988 in reducing incidents of abuse by Thai paramilitary personnel of Cambodian displaced persons housed in camps along the Thai-Cambodian border.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killings in which government involvement is alleged are rare. In January, according to eyewitness survivors, an army paramilitary unit (thahan phran) summarily executed four Muslim villagers near the Malaysian border. The army subsequently arrested two members of the unit, replaced its local commander, and is believed to have paid compensation to the families of the victims. The two men arrested were charged with murder and are incarcerated in a military prison. At year's end their case was still pending in the military courts. Senior Thai officials have been quoted by newspapers as acknowledging that police execution of habitual, serious, criminal offenders without due process occasionally does occur, largely in southern Thailand, an area which regularly records the nation's highest crime rates and parts of which still retain a "Wild West" atmosphere. In rural areas, Communist insurgents and ethnic separatists have continued to use violence, including murder, in pursuit of their objectives. Their targets have included low-level government officials, local business people, and security officials. In 1988 Muslim separatists in the south perpetrated an increased number of terrorist attacks directed primarily against civilians. They murdered several construction workers and 3 school teachers and are believed responsible for burning 14 schools. They also killed six policemen and two defense force volunteers.

In past years, a number of journalists died violently in rural areas. Such killings have diminished sharply in recent years, and local human rights activists regard the situation as distinctly improved. Nevertheless, four journalists were killed during the first 6 months of 1988. The motivations for these killings are not entirely clear. In previous years, some of the murdered journalists had published exposes on corruption or illegal activity. Others apparently had engaged in blackmail or extortion and likely were killed in retaliation.

b. Disappearance

While there are no reports of abduction or kidnaping attributed to government forces, Communist insurgents and Muslim separatists have used them as a political weapon, resulting in the disappearance of civilians and government officials. Such actions are increasingly rare.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Government has stated its opposition to the use of cruel, inhuman, or degrading punishment. According to human rights activists in Thailand, abuses of authority, both confirmed and alleged, relating to cruel and inhuman punishment or treatment

have declined steadily. In the past several years, there has been significant international attention given to reports of torture, murder, and rape of Khmer by Thai paramilitary forces charged with external security for the displaced persons camps where these Khmer reside. Significant progress was recorded by the Government in 1988 in addressing these problems. The former Thai Rangers (the source of most of the allegations of abuse of Khmer) were replaced in June 1988 with the Displaced Persons Protective Unit (DPPU), a better trained, more professional, and disciplined force. There was a significant decline in reports of violence by Rangers in the first half of 1988. There have been no reports of violent incidents by DPPU personnel at the Site 2 Camp, the area where past abuses have been most prevalent, since the DPPU was deployed.

A new problem of inhumane treatment of Indochinese asylum seekers emerged, however, in 1988, following a Thai decision in late January to close the east coast of Thailand to new Vietnamese boat arrivals. The initial result was an upsurge in piracy incidents against refugees and credible, if generally unverifiable, reports from refugees and Thai sources of official Thai involvement in boat "pushoffs" and abuses of asylum seekers. An estimated 100-150 persons died as a result of piracy incidents and boat sinkings following officially sanctioned "pushoffs" in January-February 1988. The Lawyers Committee for Human Rights alleged in a report issued January 10, 1989 that between January and September 1988 some 530 refugees were killed by pirates after being pushed out to sea. In response to international concern, the Thai Government now permits small numbers of Vietnamese asylum seekers to land and be transferred to Ban That, a camp on the Cambodian border run under the auspices of the U.N. High Commissioner for Refugees (UNHCR). Boat "pushoffs" continue, however, and there have been allegations that in some instances victims of such "pushoffs" were physically abused by Thai government personnel. Restrictions, based on national security considerations, on international access to places where such abuses reportedly occurred made it difficult to confirm or refute these allegations. There was, however, extensive access to the new camp at Ban That by international observers who found no credible evidence of physical abuse of asylum seekers after arrival at Ban That as has been alleged by some refugee advocate groups.

d. Arbitrary Arrest, Detention, or Exile

Thailand's criminal and civil codes follow Western European models, and the rights of suspects are similar to those in Western Europe. Except in cases of crimes in progress, arrest warrants generally are required, and specific charges must be brought within a limited time period against those detained. There is a functioning bail system. Reports of arbitrary arrest are infrequent.

A small number of Communist insurgents and Muslim separatists have been detained without trial under martial law provisions. Although these provisions were eased significantly in 1984, and most of those arrested under these provisions have since been released, some remain in detention. Currently, the only legal basis for arrest and detention without specific charges for long periods (up to 480 days) is the Anti-Communist Activities Act. No arrests under this Act were made in 1988, but at least three cases involving 12 persons arrested in 1984 and 1987 were still being heard in military court in Bangkok. All 12 remained under detention without bail. According to

local human rights groups, those detained under the Anti-Communist Activities Act have not been mistreated systematically, but activists maintain that the detainees often are denied access to medical treatment and that this results in a variety of physical problems. Human rights groups believe that 18-20 Muslim separatists remained under detention at the end of the year.

Summary exile is not practiced. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution grants Thai citizens the presumption of innocence as well as access to courts or administrative bodies to seek redress. Suspects can be denied the right to legal counsel during the pretrial or investigative period of their cases, but before trial they have access to a lawyer of their own choosing.

The Thai legal system provides for trial by judges rather than jury. Cases are heard on the basis of specific charges, usually well documented, by a panel of judges. During the martial law period (October 1976 to August 1984), military courts had jurisdiction over cases involving internal and external national security, Thai relations with other nations, and offenses against the royal family and public peace. Since 1984, however, military courts are used solely in cases involving military personnel. All other cases come under the jurisdiction of civilian courts. The alleged plotters of the 1985 coup bid were tried in civilian courts.

Persons tried in both the military and civilian courts enjoy a broad range of legal rights, including the right to counsel both in the trial and appellate stages. A civilian court decision may be appealed; a military court decision may not. Both court systems, however, allow appeal for a royal pardon. Moreover, prisoners sometimes benefit from periodic royal amnesties. On the occasion of a royal celebration in July, the King granted a royal amnesty to some 62,000 inmates in Thai prisons; 40,000 had their sentences reduced, and 22,000 were released. The courts are relatively independent of external pressures. There have been allegations, however, of both government and private influence being brought to bear on certain cases, often those involving narcotics. A pilot government program to provide free legal advice to the poor continues in operation. Most free legal aid, however, comes from private organizations, including the Lawyers' Association and the Women's Lawyers' Association.

In 1988 human rights groups drew attention to the unclear legal status of at least 2,000 persons who formerly were associated with the Communist Party of Thailand (CPT) in its jungle hideouts. Earlier in the decade, these persons were permitted to return to their villages to resume normal lives, under the terms of an order issued by the then Prime Minister Prem. However, the order is not a law, and as a result, the past association of the 2,000 with the CPT leaves them open to a variety of criminal charges which carry a 20-year statute of limitations. Although there is no indication that the Government intends to bring such charges against any of the 2,000, the option does exist.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Thai society is essentially an open one where membership in political organizations is voluntary, the police function is seldom abused for security or political purposes, and the unmonitored exchange of ideas generally is permitted, although those espousing leftist or Communist views are probably watched by the security services. Thai law requires that police possess a search warrant prior to entering a home without the owner's consent. There are allegations that officers sometimes endorse warrants in advance and then allow their noncommissioned subordinates to apply them as needed. Sections of the Anti-Communist Activities Act allow officials involved in specifically designated "Communist suppression operations" to conduct searches without warrants, but these powers have been used sparingly.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution affirms citizens' rights to free speech and a free press, but there are laws which impose restrictions on those rights. The principal legal restrictions on these freedoms are prohibitions against insulting or defaming the King, Queen, Heir Apparent, or Regent (lese majeste), advocating a Communist system of government, or publishing materials which threaten national security. In January 1988, three persons were arrested in Bangkok on charges of lese majeste. In June three more persons were arrested. All six remain under detention. A seventh person is undergoing a court hearing, and an eighth is under investigation. Also in 1988 the Supreme Court upheld the conviction of a former deputy interior minister for lese majeste, and he served 1 month in prison before the King granted him amnesty at the request of the then prime minister. Thai citizens enjoy substantial freedom of speech in other respects, and the Government permits criticism of its policies. However, criticism is not entirely without its risks, and members of the parliamentary opposition occasionally have been subjected to violence by mysterious assailants after particularly vehement attacks on the Government and the military.

International publications circulate freely, as does a wide range of political and social commentary presented by the privately owned Thai press. Technical publications and pamphlets, including those of academics, circulate freely and the latter present viewpoints ranging from the non-Communist left to the ultraright. Foreign and domestic books are not censored, except in rare instances where publications are critical of the royal family or the monarchy. Television and radio stations are licensed by the Government and operated both by government and private entities as commercial enterprises. Although the Government's Broadcasting Directing Board in theory reviews all television programs prior to broadcast, in practice most programs are not prescreened, and stations present a range of viewpoints. Radio stations are required to carry a government-produced newscast four times daily but are free to originate other news and commentary. Opinions critical of government positions have been broadcast but, in general, controversial issues are treated cautiously, if at all. The press continues to operate under the restrictions imposed by the Press Law of 1941 and remnants of past martial law orders. It practices self-censorship and is

particularly cautious about criticism of the military or monarchy. Current legislation permits the Government to close newspapers and revoke the licenses of editors of newspapers which publish stories deemed to be libelous or contrary to national security interests. In 1987 the House of Representatives passed a long-awaited press law which would give the press greater flexibility. The Senate changed thelegislation to retain the Government's authority to close newspapers for national security reasons, but the House rejected the amended version of the bill. The bill died with the April 1988 dissolution of Parliament, and neither the new Government nor Parliament has reintroduced this or similar legislation. The Government infrequently uses its statutory power over the press. In 1987 the Government closed one newspaper, which resumed publication within a few weeks; in 1988 none were closed.

b. Freedom of Peaceful Assembly and Association

The Constitution ensures the rights of assembly and association. In practice, these rights are exercised freely by politicians, students, labor, and other interest groups without government interference. All associations, including labor unions, must be registered by the Government. The Government, however, has not used the withholding of registration to inhibit freedom of association for any groups. Permits are not required for assembly.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is practiced throughout Thailand and protected by law and custom. Theravada Buddhism, the de facto state religion, has had an abiding and profound influence on Thai culture and history, and most Thai practice it. The King is required by the Constitution to profess the Buddhist faith and practice Buddhism. Nonetheless, Thailand is a secular society with church and state clearly separate. There are no restrictions on religious ceremonies, the teaching of religion, or conversion from one religion to another, but controversies occasionally arise. In 1988 a nonconformist Buddhist sect was declared "outlaw" by the Juridical Council, but the Government has made no attempt to force it to abide by the rules of the mainstream Buddhist order or to disband. Early in the year, a government official's refusal to allow women students at a teacher training college to wear traditional Muslim dress to class resulted in mass protests, and eventually the official reversed his decision.

Under applicable regulations, missionaries are permitted to live and proselytize in Thailand, as has been the case for more than a century. Foreign clergy may preach freely. There is no legal or organized discrimination against, or persecution of, those affiliated with minority religions, such as Christianity or Islam. Religious publishing, regardless of faith, is allowed. As with private associations, religious institutions are registered by the Government. Most senior Thai officials and political leaders are at least nominally Buddhist. Muslims living in the four southern provinces, which have majority Muslim populations, have the right to have civil law cases decided by Muslim judges under Koranic law.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Apart from longstanding restrictions on the travel of Chinese and Vietnamese aliens living in Thailand, the only limitations on travel of persons other than refugees are restrictions on entry into certain rural areas believed by the Government to be used as bases by Communist insurgents. The right of citizens to change their residence or workplace is unabridged. There are no government restrictions on foreign travel or emigration, except for government officials, but single Thai women and children under the age of 14 must have their passport applications approved by the Department of Public Welfare. In addition, a 1985 statute requires that all women under age 36 sit through a series of interviews regarding their employment records and finances in connection with passport applications. This has been protested by some women's rights advocates. The purpose of these provisions of law is the prevention of the export of children for sale and women for purposes of prostitution. The Government has rarely revoked citizenship.

Thailand, though not a signatory to international legal instruments regarding refugees and their basic rights, in the past acted in the spirit of those agreements in providing asylum to about 710,000 refugees from Laos, Cambodia, and Vietnam since 1975, and in permitting the temporary evacuation of around 300,000 Khmer, classed as displaced persons, onto its side of the Thai-Cambodian border. In 1988, however, the Government severely restricted first asylum for new Indochinese asylum seekers. The Thai began systematically pushing off boats carrying Vietnamese asylum seekers in late January 1988. In the following months, restrictions on new arrivals eased slightly and some boats were allowed to land. Thus, 1,983 new boat Vietnamese were granted asylum in the period February through August 1988. It was more difficult to determine the number of persons denied asylum in the case of those whose boats were pushed off or redirected to Malaysian or Cambodian shores, but a conservative estimate would be that at least 1,000 persons were pushed off, and the figure could well be much higher. "Pushoffs" seemed to decline significantly by August, but restrictions on international access to new arrivals in these areas of coastal Thailand made it difficult to monitor the state of first asylum for boat Vietnamese in Thailand.

Laotian asylum seekers faced a similarly restricted attitude toward first asylum. The Laotian refugee screening process, the officially sanctioned mechanism for granting first asylum, essentially ceased to function after March in several important provinces along the Thai-Lao borders. The decision to legalize in December 1987-January 1988 the status of nearly 10,000 Laotian highlanders living illegally at the Ban Vinai refugee camp in Thailand, as well as the screening of nearly 1,700 highlanders living in adverse conditions in the province of Nan near the village of Nam Phun, represented significant accomplishments in improving treatment of highland Lao asylum seekers. Nonetheless, new Laotian highlander arrivals continued to face difficulty in obtaining access to the screening process, and several groups were forcibly returned to Laos during the course of 1988. For several years, it has been Thai policy to treat new asylum seekers from Cambodia as displaced persons, rather than to recognize them as refugees. This policy continued in 1988, and there were reports, difficult to confirm or deny, that Thai military officials

along the Thai-Cambodian border took a more restrictive attitude toward allowing new Cambodian asylum seekers into the border displaced persons camps. At the same time, as noted previously in this report, Thai authorities took a number of steps to improve security and protection for Khmer in the displaced persons camps.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

As Thailand nas become a more developed, complex society, there has been an evolution toward greater popular participation in the political process, with free elections assuming a larger role. The failed 1985 coup attempt by a small military group which lacked general military support was a reminder, however, that constitutional processes are still shallowly rooted. It is generally assumed that the military has not abjured intervention in the political process but now usually acts quietly from behind the scenes. The Government normally does not make decisions of which the military would strongly disapprove. One of the measures to limit military influence in government is the constitutional provision barring active-duty military officers from holding cabinet posts.

Prime Minister Chatichai, himself a Member of Parliament and the leader of the party with the largest number of seats in the Parliament elected in July, is supported by parties holding roughly three-fifths of the seats in the House. The July national elections for the House were open and free, and 16 political parties fielded a record number of candidates. A six-party coalition government subsequently was formed. Opposition parties regularly present opposing views both within the National Assembly and through the mass media. The National Assembly almost invariably has dissenting votes on legislation and on procedural decisions.

Elections are based on universal suffrage for adults over the age of 20, and are required by the Constitution at least once every 4 years. The Government encourages voter turnout, but does not use either direct or indirect pressure to compel voters to cast ballots. Actual voter turnout for both national and local elections generally exceeds 50 percent, and the 1988 parliamentary election reached a record 64 percent of eligible voters.

While women vote in numbers equal to men and participate fully in the political process, they are underrepresented in national politics and in high governmental positions. There are, for example, only 10 female Members of Parliament (3 percent), one female cabinet member (out of 44), and no female provincial governors or district officers.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has responded in the past to specific inquiries on human rights matters from Amnesty International and the International Commission of Jurists. With occasional exceptions, it is generally willing to discuss human rights problems with both domestic and international human rights organizations. Also, human rights organizations of all kinds are generally permitted to visit Thailand, meet with

appropriate government officials, and lobby for corrective action.

Local civil and women's rights groups, active on a wide range of issues, including prostitution and enforcement of labor laws, have devoted most of their efforts to the promotion of women's rights and identifying and correcting human rights violations. Thai human rights organizations have had significant success in recent years. They have, for example, successfully encouraged the Government to tighten the discipline of police and paramilitary forces fighting the Communist insurgency and have brought pressure on it to alleviate widespread abuses in child labor practices and in prisons. In response to increased awareness of human rights issues in society, the House of Representatives is planning to create a standing committee on human rights issues, and the number of nongovernmental human rights organizations has increased. Thailand has involved itself directly in international human rights efforts, but generally has not taken initiatives in U.N. forums. It has, however, taken a leading role in preparing annual ASEAN (Association of Southeast Asian Nations) resolutions in regard to Cambodia, including those on human rights violations. Thai representatives were among the founding members of the Regional Council on Human Rights in Asia, a forum for the exchange of human rights information established in February 1982. Thai members of the Council helped draft a declaration on human rights to serve as the organization's statement of policy and goals.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Thailand has made considerable progress, particularly considering its limited resources, in accomplishing the integration of its minorities. While Thailand traditionally has been a tolerant and relatively homogeneous society, social and cultural aspirations are sometimes limited by ethnic considerations. In 1988 the Government began a comprehensive new plan for improving the living conditions of the hill tribes and providing more of them with the opportunity to obtain citizenship and otherwise integrate into the mainstream.

Ethnic Chinese are spread throughout Thailand, with a concentration in Bangkok. The Chinese are better assimilated and integrated in Thailand than elsewhere in the region. There is a tradition of popular resentment directed against the trading and financial activities of the Chinese, but this resentment has never been so virulent as to provoke violent persecution and is dissipating as the Chinese are assimilated into Thai society.

Muslims are a significant minority and represent a majority in the southernmost provinces along Thailand's border with Malaysia. The Government is aware of their special needs and has put much effort into regionally targeted development efforts and the creation of educational opportunities in order to integrate Thai Muslims into Thai society. However, Muslims continue to be underrepresented in government service, the professions, and in higher education.

A community of Vietnamese which fled Indochina in the 1940's and 1950's to northeastern Thailand lives under tight restrictions on its freedom to travel and access to educational and economic opportunities. In theory, these

people, including offspring born in Thailand, may not become Thai citizens, although, increasingly, younger members of this group are finding it possible to acquire citizenship and to integrate into local society. It was long expected that these Vietnamese would eventually be repatriated. In the meantime, the continuation of restrictions represents, in part, a conscious Thai policy to discourage further emigration from Vietnam, and in part a reaction to the belief that the Vietnamese represent a kind of "fifth column" within Thailand, as it is widely believed that many of these Vietnamese owe allegiance to the Communist Government in Hanoi.

The status and role of women have improved steadily over the past several years. For the most part, women have equal legal rights in Thailand, with specific guarantees of property and divorce rights, and there are no allegations that these rights are denied. Thai law, however, denies Thai nationality to children born of alien fathers and Thai mothers, regardless of place of birth. Women are well represented in the labor force and are becoming increasingly so in professional positions, particularly those in the commercial sector. In general, women are not barred legally from positions traditionally held by men. However, women continue to be concentrated in traditionally lower paid jobs, and there is a significant gap between average salaries earned by men and women.

Despite limitations on serving in the armed forces, female officers routinely have substantially full careers, reaching the rank of colonel. However, by regulation women may not attend Thailand's Command and General Staff College. The de facto result is an absence of promotions for women beyond the rank of Special Colonel (brigadier general). There are currently only a handful of female special colonels. A few women have attended the Army War College and the Supreme Command National Defense College, but they are not considered the route to command positions.

In rural areas, sex stereotypes are more pronounced with respect to social roles. These barriers are being modified as mass communications bring modern role models to even the most remote communities.

Section 6 Worker Rights

a. The Right of Association

Most internationally recognized worker rights, including the right of association, were recognized legally in 1975, when the Thai Labor Relations Act was passed. The Act affirmed, among other things, the rights of employees to form and join unions or employee associations of their own choosing; decide on the constitutions and rules of their associations and unions; formulate their views without government or employer interference; confederate with other unions; be protected against discrimination, dissolution, suspension, or termination by any outside authority because of union activities; and have employee representation in direct negotiations with employers.

All rights under the 1975 Act specifically do not apply to government workers at any level. Civil servants, therefore, may not unionize, though they may form "employee associations." Under Thai law, state enterprise workers may unionize, and in fact the state enterprise sector is the backbone of the Thai labor movement. The right to strike, however, is not extended

to state enterprise workers regardless of the nature of their activity. The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) has reported that there are several limitations on the right of association, including restrictions on the right to strike in the private sector, the prohibition of unionization and strikes by civil servants, the prohibition on strikes in state enterprises, the requirement that union leaders also be full-time workers in the plants or industries which they represent, and reported abuses of child labor. Despite their illegality, strikes do occur in the public sector and are usually tolerated by the Government. Several major strikes in June 1988 were centered in state enterprises, notably strikes carried out by the state railway and the port unions. The Government negotiated in good faith with the concerned unions and reached a negotiated settlement in response to the strikers' demands without particular reference to the "illegal" nature of the strikes. No strikers were arrested or detained by government authorities. In most of the private sector, 24-hour notice to management is the only legally mandated prerequisite to a strike. However, the Government has the authority "to restrict the right to strike whenever a strike would affect national security or cause severe negative repercussions for the population at large."

Thai labor has organized slowly since basic worker rights were affirmed in 1975. In 1988 about 12 percent of the industrial work force claimed union membership, mostly in the state enterprise sector, and membership is expanding very slowly. A cultural factor in this phenomenon is the historically benign and paternalistic relationship between employer and employee, reducing the inclination toward confrontation between labor and management. A provision of Thai labor law permitting the formation of labor unions with as few as 10 members also contributed to a high degree of fractionalization at both the union and confederation levels. This manifested itself in a steady increase in the number of registered unions to over 500, while overall union membership remained virtually constant. It has been claimed that the above-cited law promoted the existence of company unions beholden to management and was thus an infringement of the right of association. The Government effectively protects the person and property of unionists in Thailand. Following expressions of foreign labor union interest in the murder of one unionist in 1988, the Government reportedly arrested two policemen in connection with the case, which has yet to be prosecuted.

Thai unions generally operate independently of the Government and other outside organizations. There has been a history of voluntary association and common cause between Thai unionists and military elements, but the importance of such connections appeared to decline in 1988 with a rise in the relative political strength and independence of Thai unions. Labor leaders recognized that fractionalization weakened their overall impact and were largely successful in 1988 in consolidating and coordinating the activities of the four leading federations. Their overall influence on policy issues increased as a result. Thai unions have tended to be apolitical, in part because the 1975 act withholds certain protections in cases of "political" activity. Debate on labor's role in Thai politics has been particularly lively since the alleged involvement of several prominent labor leaders in a 1985 coup attempt. The last official links between a Thai political party and labor federation were severed in 1988.

THAILAND

Unions made a strong effort to influence political parties during the 1988 national election campaign, although the unions maintained their independence from the partiesthemselves. Key issues were safety legislation and enforcement, resistance to the privatization of state enterprises, and labor's call for amendment of the Labor Relations Law. On some of these issues, notably minimum wages and privatization, unionists exerted some influence on policy in 1988 under the newly elected Government of Prime Minister Chatichai. Historically, prominent unionists have been appointed to the Thai Senate, although none have been elected to the more influential House of Representatives.

Labor unions in Thailand have maintained generally unrestricted relations with recognized international labor bodies, such as the International Labor Organization (ILO), the International Confederation of Free Trade Unions (ICFTU) and its associated International Trade Secretariats, the ASEAN Trade Union Congress, and various national labor bodies, notably those from the United States (AFL-CIO), the Federal Republic of Germany, Japan, and Israel. Thai unionists have also participated in meetings and seminars sponsored by the World Federation of Trade Unions (WFTU), both abroad and on Thai soil. In 1988 the Government implemented a new regulation requiring the approval by an interministerial body headed by the Permanent Secretary of Interior of applications by foreign organizations to either hold meetings or open offices in Thailand. While there were no cases of approval being denied, some critics claimed that the bureaucratic involvement was itself a deterrent to free association with international labor organizations.

b. The Right to Organize and Bargain Collectively

Thai labor, whether unionized or represented by "employee associations," is guaranteed the right of collective bargaining. Thai law prescribes procedures to ensure employee participation in the determination of working conditions, wages, and benefits. In 1988, as before, such bargaining focused more on benefit packages and working conditions than on wages. Both labor and management in Thailand usually seek to resolve potential differences through informal channels before turning to formal collective bargaining. The 1975 Act also defined the mechanisms for such negotiations and for conciliation and arbitration under government auspices in cases under dispute. The conciliation and arbitration procedures are mandatory for state enterprises.

A system of labor courts implemented in 1980 exercises judicial review over most aspects of Thai labor law. There is a tripartite labor relations committee under the Ministry of Interior at which unionists may also seek redress for their grievances. Thai law does not fully protect unionists against antiunion discrimination and retribution. The law requiring union leaders also to work full time in the plants or industries which they represent tends to make them vulnerable to employer action in cases of conflict. Unionists have no explicit protection against dismissal for unionizing activities prior to the formal registration of their union. The Thai Court Law of 1980 prohibits "unfair dismissal," but Thai courts have not been uniform in their interpretation of this law.

There are no special export processing zones, and labor legislation is applicable uniformly throughout the country.

THAILAND

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor except in the case of national emergency, wartime, or martial law. There were no allegations of forced or compulsory labor. The ILO's Committee on Application of Conventions and Recommendations at its 1988 session expressed the hope that the Government will bring its legislation into compliance with ILO Convention 105 on the Abolition of Forced Labor, which Thailand ratified in 1969.

d. Minimum Age for Employment of Children

Child labor continued to be a source of considerable domestic and foreign criticism in 1988. Foreign interest groups have focused heavily on the alleged exploitation of working children. Thai law prohibits the employment of children under age 12, and limits their employment between the ages of 12 and 15 to "light work." Employment of children at night (10 p.m. to 6 a.m.) is prohibited. Complaints against Thailand alleged that both Thai standards and their enforcement were inadequate. There was no substantial new evidence of the employment of children under age 12 in 1988. However, there continued to be strong anecdotal indications that children over age 12 were employed in dangerous, unhealthful, or otherwise harmful circumstances. Occasional fires or accidents involving children working or living in factories and construction sites have concentrated public attention on deficiencies in the construction and manufacturing sectors. Thai efforts to correct these problems were hampered in 1988 by inadequate budget resources devoted to inspection and enforcement, and to low penalties and fines which did not sufficiently deter potential violators. The Cabinet, acknowledging the seriousness of child labor problems, in June 1988 approved in principle the revision of Thai labor protection regulations applicable to working children in the nonagricultural sector. Key features of the cabinet recommendation included an immediate increase in the minimum age to 13 and a long-term increase to 15; improved inspection and enforcement; increased penalties for violators; an increase in the resources allocated to keeping children in school; and a broad campaign to sensitize the Thai public to the problems of child labor. Thai authorities expected the strengthened regulations to be issued shortly as an announcement of the Interior Ministry.

e. Acceptable Conditions of Work

Working conditions vary widely in Thailand. Medium and large factories, which produce most of Thailand's export goods, generally work 8-hour shifts under conditions which meet international standards. Health and safety standards are maintained, minimum wages are met or exceeded, no underage laborers are employed, and employees enjoy various additional benefits. Outside this formal sector, standards can deteriorate significantly. Unskilled laborers who pour into Bangkok from the far poorer countryside often are willing to work at less than the minimum wage ($3.16 per day in the Bangkok area, less in most other provinces).

A 1988 Thai Government report stating that 32 percent of laborers received less than the legal minimum wage resulted in a call from the then Prime Minister for employers to comply with the law and for the Labor Department to enforce it more vigorously. The new Prime Minister indicated in August 1988

that he favored an early increase in the minimum wage, which had last been raised in April 1987. In late 1988 organized labor sought and won a two-stage increase in the Bangkok area which will raise the minimum wage to $3.16 by April 1989. This wage is expected to to be adequate to provide workers and their families a decent standard of living, given Thailand's level of economic development.

Thai workers often have no leverage for insisting upon minimum standards of health and safety. This is particularly so in industries such as construction and dockwork where casual labor often is engaged on a short-term basis. The collapse of a building under construction in September renewed the call for tighter regulation of construction practices and increased protection for workers. Government programs for industrial safety have relied primarily on informational campaigns and voluntary compliance.

While the programs themselves have been praised as among the best in the region, more resources are required to meet health and safety challenges posed by rapid industrialization. A nationwide force of labor inspectors was inadequate to the task of investigating and pursuing all potential violations under Thai law, especially in the absence of complaints. Another impediment was the fact that the businesses in question often were unregistered, evading taxes and operating outside the sphere of government inspection and regulation. The nature of Thai labor inspection and enforcement practices generally was cooperative rather than coercive. Some observers criticized this approach as ineffectual. The Government has yet to give full legal effect to the 48-hour workweek.

TONGA

The Kingdom of Tonga comprises 169 islands scattered over an area of 360,000 square kilometers of the South Pacific. All but a handful of the approximately 105,000 inhabitants are Polynesian. Tonga is a constitutional monarchy, with political life dominated by the King, the nobility, and a few prominent commoners. In 1900 Tonga became a protectorate of Great Britain. In 1970 it became fully independent again and joined the British Commonwealth.

The security apparatus is integrated into the structure of government and does not exercise an undue or malign influence on human rights policy. The Minister of Police, a senior member of the nobility, has influence in keeping with his traditional position.

Tonga's economy is based almost exclusively on the cultivation of tropical and semitropical crops. An increasing demand for imported manufactured goods and products unavailable locally has led to a substantial balance of trade deficit. This has largely been offset by remittances from Tongans employed abroad, overseas aid, and, to a lesser degree, tourism.

Despite its autocratic nature, the Government of Tonga respects and defends basic human rights. There were no significant human rights issues.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political Killing

There were no politically motivated killings.

b. Disappearance

There were no disappearances, and no evidence of people being abducted, secretly arrested, or clandestinely detained.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman or degrading punishment or other such treatment are forbidden by the Constitution, and there were no reported instances of such practices.

d. Arbitrary Arrest, Detention, or Exile

The right to judicial determination of the legality of arrest is enshrined in the Constitution and observed in practice. There is no preventive detention and no exile, internal or external.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The court system is organized on the British model. The senior resident judge is appointed from overseas, usually from Great Britain. The right to a fair public trial is provided for by law and honored in practice. No one may be summoned before any court without first having received a written

indictment clearly stating the offense with which he is charged. Defendants are entitled to counsel, and lawyers have free access to defendants. The judiciary is free of government interference, and there are no special courts for political or security offenses. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

By law no one may enter or search the home of another, or remove any item of property unless in possession of a warrant issued by a magistrate. There is no arbitrary intrusion by the State or political organizations into a person's private life.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for in the Constitution. The one radio station and the country's largest circulation newspaper are government owned. Other components of the media are privately owned. There were no known instances of censorship. The Minister of Police has inveighed against and threatened action against the independent media in one or two cases, but no action has ever been taken.

b. Freedom of Peaceful Assembly and Association

Peaceful assembly and association are provided for by law. There are no significant restrictions.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution and observed in practice. Missionaries may proselytize without impediment.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Tongan citizens are free to travel anywhere within the Kingdom and abroad. There are no restrictions on repatriation. There are no displaced persons in Tonga.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability to change their leaders or the system of government. The King and a small group of hereditary nobles dominate political life in Tonga. They assert authority largely through their control of substantial landholdings. The Constitution allows the monarch broad powers, many of which do not require the endorsement of the legislative branch. The King appoints and presides over the Privy Council, which makes major policy decisions. (When the King is not presiding, the Privy Council is called the Cabinet). The King also selects the prime ministers and other cabinet ministers, who hold office at his pleasure. Tonga's unicameral legislature, the Legislative Assembly, consists of 7 nobles elected by their peers (33 noble titles are recognized by the Constitution), and 7 people's representatives

elected by all literate, tax-paying males and all literate females. Those above 21 years of age are eligible to vote. The King appoints a speaker from among the nobles' representatives. Government ministers and nobles' representatives generally vote as a bloc. People's representatives sometimes vote against the Government. Elections are held every 3 years. There are no political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There have been no reports of human rights violations. There are no local nongovernmental organizations which concern themselves with human rights. Tonga is not represented at the United Nations. The Government has not taken an active interest in international affairs, including international human rights matters.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Social, cultural, and economic facilities are available to all citizens regardless of race, religion, and sex. While the strong Polynesian cultural tradition has not encouraged the rise of women to positions of leadership, women have become members of the legislature and served in responsible positions in skilled and semiskilled occupations. No statistics are available on the employment of women in professional occupations or women's wages compared to men. Members of the hereditary nobility have substantial advantages in Tongan society. These include control over most of the land and a generally privileged status. It is possible, however, for commoners to rise to cabinet positions in government and to accumulate great wealth and status in the private sector.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to form unions. Tonga passed a trade union act in 1964, but to date no union has been formed.

b. The Right to Organize and Bargain Collectively

Since no union has been formed in Tonga, collective bargaining is not a widespread practice. Informal employee groups do discuss conditions of work with employers.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law and not practiced.

d. Minimum Age for Employment of Children

No information is available on current Tongan child labor legislation. In practice, child labor is not used in Tonga.

e. Acceptable Conditions of Work

By regulation the workweek in Tonga is limited to 40 hours. A panel chaired by the Minister of Labor, Commerce, and Industry has been empowered to set minimum wage guidelines but had not done so as of September 1988. Although Tonga still does not

have a minimum wage law, it has for some years set minimum daily wages for such sectors of the economy as manufacturing and tourism. Workers are protected to a degree by the ease with which they can return to their villages and live without a cash income if wages offered are inadequate. Worker rights legislation covering such matters as safety standards, conditions of employment, and child labor is pending in the Legislative Assembly. Industrial accidents are uncommon, as few industries exist that expose workers to significant danger. Legislation for the provision of social security benefits to the work force has been under consideration by the Government since 1983. There have been no allegations of worker abuse.

VANUATU

Vanuatu, the former New Hebrides, is a South Pacific island nation with an estimated population of over 140,000. One of three countries comprising Melanesia, Vanuatu became independent in 1980, following more than 70 years of joint British-French rule. It has a parliamentary system of government with a prime minister and a 46-member parliament. Independence was accompanied by temporary political turbulence, including an attempt at secession, which left a legacy of suspicion towards outside interference. Most of the internal strains from the 1980 secessionist rebellion have now subsided, although island and regional loyalties remain strong.

Political legitimacy in Vanuatu is based on majority rule, supported by both Melanesian and Western tradition. The first general election since independence, held in November 1983, was vigorously contested and democratically conducted. A second parliamentary election, also vigorously and democratically contested, took place in November 1987. Vanuatu underwent a period of domestic turmoil in 1988 following a violent protest march in May in Port Vila, led by a government minister, against land policies of the Prime Minister and the ruling Vanua'aku Party. The subsequent ejection from parliament of the minister and his supporters, along with most members of the opposition, led to a constitutional crisis.

Demanding general elections, major opposition elements boycotted byelections held to fill the seats of expelled members. On December 16, when the newly constituted Parliament convened, the President, a largely ceremonial figure, announced that he was dismissing it and appointing an interim government. The Parliament continued to meet, and the Prime Minister and the leader of the Parliamentary opposition denounced the President's actions. On December 19, the Vanuatu Supreme Court pronounced those actions unconstitutional. The President, the members of the aborted interim government, and various of their supporters have been arrested on charges such as: sedition, incitement to mutiny, unlawful assembly, etc., and at year's end were awaiting trial.

Historically the courts in Vanuatu have been independent and solicitous of individual rights. In the December government crisis, they appeared to be continuing in that manner. The police and military continued under civilian control.

The Vanuatu economy resembles that of other Pacific island states in its dependence on international trade and its vulnerability to shifts in world market prices. In the past, tourism earned more foreign exchange than all exports combined. The May 1988 riot and subsequent political uncertainty further depressed the already declining tourist industry and discouraged foreign investment. Despite the political turbulence during the year, the human rights situation in Vanuatu remained favorable.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Neither the Government nor any organized group has resorted to political killing.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Constitutional guarantees against torture and cruel, inhuman, or degrading treatment are observed in practice and enforced by the courts. Prisoners also have recourse to an Ombudsman.

d. Arbitrary Arrest, Detention, or Exile

There were no reports of arbitrary arrests in Vanuatu. Arrest is by warrant. There is no exile. Suspects have free access to a lawyer of their choice. The constitutional provision that suspects will be informed of charges and given a speedy hearing before a judge is observed.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The courts uphold constitutional provisions for a fair public trial, presumption of innocence until guilt is proven, prohibition against double jeopardy, the right of habeas corpus, and appeal to the Supreme Court. The courts are free of military or executive interference. There were no reports of arbitrary or unfair exercise of judicial authority in 1988.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Sanctity of the home and family and privacy of correspondence are observed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although freedom of expression is provided for in the Constitution, the Government publishes and controls the country's only national newspaper and manages the national radio station. Following the May 1988 riot, the opposition alleged that its members and their views were denied free access to the government-run media. There is no independent newspaper or radio.

b. Freedom of Peaceful Assembly and Association

There are no restrictions on the formation of political parties or other groups in Vanuatu. There are two main political parties and several smaller ones.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is protected by law and respected in practice. Missionaries of various Christian denominations work without restriction.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Vanuatu citizens are free to travel internally and externally. There are no restrictions on returning home from abroad.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Vanuatu is a multiparty democracy. Numerous candidates competed in the parliamentary elections in 1983 and 1987; both the campaign and voting were considered by outside observers to have been fair. Elections to provincial and local councils have also been freely contested and fair. However, to an extent unusual among Pacific island states, the ruling Vanua'aku Party is the primary policymaking body and its decisions are implemented by the Government. The Vanua'aku Party in the past has been known to use government power to restrict opposition political activity, for example, by denying other parties the use of the government-owned radio and press. Also, there have been reports, in the aftermath of the November 1987 elections, of instances of harassment against individual communities suspected of having supported opposition candidates. Most observers inside and outside of Vanuatu viewed the May 1988 riot as an attempt to bring down the Government and Prime Minister by force. The move was not supported by the majority of citizens, and the riot was brought under control by the police and the Vanuatu mobile force (a paramilitary group).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no charges of human rights violations in 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Most of the population is comprised of Melanesians whose ancestors migrated from New Guinea. There are small minorities of Chinese, Fijians, Vietnamese, Tongans, and others; most minority groups are concentrated in the two towns and on a few plantations. There is no discrimination against these minorities. Although there have been rumors of corrupt practices by members of the ruling Vanua'aku party, there is no evidence to suggest a pattern of discrimination in the Government's provision of basic services.

While women have equal rights under the law, they are only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to child rearing. Nevertheless, an increasing number of women are finding work in the unskilled, semi-skilled, and social occupations. Most employed women tend to be in secretarial or clerical jobs at the lower end of the pay scale. There are a few women in positions that have traditionally been considered male dominated, such as the police. Several women hold senior positions in the civil service, but otherwise women have not found their way into positions of leadership.

VANUATU

Section 6 Worker Rights

a. The Right of Association

Vanuatu's workers have the right to organize unions, choose their own representatives, and to strike. Strike activity has been minimal, the most recent strikes having taken place in 1985. The fundamental legislation establishing the right of workers to organize into unions, setting out the scope of union activity, and providing for the arbitration and conciliation of labor disputes consists of the Trade Union Act of 1983 and the Trade Disputes Act of 1983. There are some 20 trade unions, grouped under an umbrella organization, the Vanuatu Trade Union Congress, which is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Unions in Vanuatu have and use the right to organize and bargain collectively, a right that is exercised frequently. The high percentage of the population still engaged in subsistence agriculture and fishing, however, serves as a deterrent to extensive union activity. Labor laws and regulations are applied uniformly throughout Vanuatu.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor.

d Minimum Age for Employment of Children.

Children under 12 years of age are not permitted to work outside of family-owned agriculture, where many children do assist their parents. Employment of children 12 to 18 years of age is restricted by occupational category and conditions of labor--such as shipping and nighttime employment. There are no prohibitions for those over the age of 18. In general, however, the high level of adult unemployment discourages any resort to child labor.

e. Acceptable Conditions of Work.

Minimum wage for Vanuatu is about 50 cents per hour for nonagricultural workers, and about 45 cents per hour for agricultural. The large majority of workers are not in the wage economy and are thus outside the scope of minimum wage laws. For the remainder, these minimums provide an adequate standard of living within the local context. There are laws to regulate the rights to sick leave, annual vacations, and other conditions of service.

VIETNAM

The Socialist Republic of Vietnam (SRV) is a totalitarian state ruled by the Vietnamese Communist Party, the sole source of political power. Although there were significant leadership changes in 1986, the ruling group remains essentially those who fought the long war of independence from France, took power in the north after the country was partitioned in 1954, launched the armed effort to gain control of South Vietnam in the early 1960's, and unified Vietnam after the fall of Saigon in 1975.

A strong sense of nationalism has characterized Vietnam's history and culture for more than 1,000 years. Resistance against Chinese empires encroaching from the north and expansion at the expense of declining civilizations (the Cham and Khmer) to the south and west have had a major effect on Vietnamese political culture, reinforcing a perception of Vietnam as the natural leader of Indochina and fostering a narrow sense of identity in the generally northern-based Vietnamese leadership group.

This cultural and historical background has important implications for human rights in Vietnam. Regional, religious, ethnic, and other groups outside of the northern, Communist core are viewed with suspicion. The loyalty of southerners has been questioned because of their separate political and cultural history. Many religious leaders, despite legally guaranteed freedom of religion, have been imprisoned on what free societies would classify as political charges. Cham Muslims in the south and minority groups of the central highlands are particular targets of government repression.

The public security apparatus is pervasive, but in the recent past it has relaxed intrusive controls, especially over the average citizen who does not have ties to the previous regime in the south or express opposition to the current leadership. The Government has imprisoned those suspected of political crimes in reeducation camps without trial or charge. Fundamental rights and liberties, including freedom of association and the right to privacy, are severely restricted. Vietnam also has transgressed human rights in Cambodia, which it has occupied for a decade.

In December 1986, the Vietnamese Communist Party held what was then seen as a watershed Sixth Congress. The Congress resulted in the apparent retirement of the old guard, the ascendance of Nguyen Van Linh as party leader, and promises of greater political openness and economic restructuring. Since then only limited progress has been made in both the political and economic realms, in part because of differing views among the leadership on how to proceed, resistance to change in the obdurate bureaucracy, and the obstacles posed by the extreme poverty of the country. This near stagnation also characterized the human rights situation. Positive developments included: 1) literature and elements of the press were more lively and honestly critical of the regime's shortcomings; 2) the Government continued to grant amnesty to reeducation camp inmates; 3) travel restrictions were eased; and 4) the apparent failure of the controversy over the Vatican's canonization of Vietnamese martyrs to reverse the regime's relaxation of restrictions on Vietnamese Catholicism. Offsetting these developments, however, was the trial and conviction of a group of writers in the spring of 1988 and subsequent trials of alleged counterrevolutionaries, particularly two Buddhist monks who were sentenced to death.

VIETNAM

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Information on current conditions in reeducation camps is scarce, but reeducation camp detainees released in 1987 have reported that guards sometimes shot to death those attempting to escape. There were reports that in the absence of high-ranking officials, guards kicked to death inmates who appeared to resist orders. Conditions in the camps are severe; a significant number of deaths result from malnutrition, exhaustion, and other unnatural causes.

b. Disappearance

There is no recent evidence of political abductions by government security organizations and no reports of disappearances or hostage-taking by forces resisting government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are credible and consistent reports from refugees concerning the severity of conditions in reeducation camps and prisons. The authorities have attempted to produce conformity through confinement, hard labor, self-criticism, and indoctrination. Detainees face substandard nutrition, poor or nonexistent medical care and severe and often arbitrary punishment for minor infractions of camp rules. An inmate released in 1987 stated that he was shackled in solitary confinement in a room without light for several months. Former detainees have also reported that inmates were sometimes tied to posts over anthills and then beaten.

d. Arbitrary Arrest, Detention, or Exile

The Vietnamese legal system is characterized by arbitrary detention, without charge or other form of legal process, under the guise of reeducation. For major crimes, including alleged political offenses, public security officials must obtain warrants before apprehending and searching suspects. The officials are not required, however, to show these warrants to those they apprehend. Officials then can hold suspects for an indefinite period. Refugees have reported that authorities sometimes wait several months before notifying relatives of those arrested. According to refugees, since 1979 the normal practice has been to conduct kangaroo trials of those apprehended on political charges, detain them in jail for several months, and then move them to reeducation camps. One former inmate reported that there are two kinds of camps: indoctrination and penal. Inmates whom the authorities consider particularly recalcitrant are sent to the latter.

Accurate figures for the number of people in prisons and reeducation camps are not available. The Vietnamese media have not publicized numbers for the prison population and have released conflicting reports on the total number of inmates in reeducation camps. In June 1988, Interior Minister Mai Chi Tho told newsmen that 500,000 people, including more than 100,000 "officers" had been sent to reeducation camps after the fall of Saigon in 1975. A high-ranking SRV official told

a visiting U.S. delegation that 1,000 remained in the camps as of early 1988. In January 1988, Party Leader Nguyen Van Linh announced that all inmates would be released by the end of the year and would be allowed to emigrate.

The Government has announced a number of amnesties over the last 13 years. The Vietnamese media reported that in September 1987 the Government released 480 who had been officials in the south before 1975. The following month, 1,014 more were released, and in September 1988 an additional 30 were freed from the camps. After the February amnesty, the Vietnamese announced that 159 former South Vietnamese officials or "collaborators" remained in the camps, but in May 1988 a Deputy Foreign Minister told newsmen that the figure was from 200 to 300. The following month a government information officer told journalists that no more than 190 or so former southern officials were still in the camps, but neither aspect of Linh's January promise has been fulfilled.

For routine crimes, a suspect may be apprehended on a warrant which stipulates the nature of the crime and which authorizes detention for 2 months prior to trial. A 2-month extension of the detention period may be obtained on application. There is no provision for bail or legal counsel prior to trial.

Camp populations are composed of ordinary criminals, prostitutes, drug addicts, those charged with political offenses, persons apprehended attempting to flee the country, intellectuals, former military chaplains, and clergy from both Buddhist and Christian faiths, as well as former officials and military officers associated with South Vietnam. The Government uses the camps to remove from society those persons whom it sees as dissidents, particularly leaders of potential opposition groups.

According to one report, although basic sentences for many former South Vietnamese officials have ranged from 2 through 7 years, sentencing appears to be arbitrary. The report asserted that the length of sentence was correlated directly to rank and position held (former intelligence and psychological warfare officers were given longer than normal sentences) and correlated inversely to the bribe paid by the detainee's family. In a small move toward leniency, Ho Chi Minh City (formerly Saigon) authorities in July 1987 announced that reeducation could be deferred for those who were pregnant, ill, related to war invalids or war dead, or faced with serious family difficulties. No information is available on the extent to which this guideline has been implemented.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Persons charged with offenses rarely receive a fair public trial. The defense counsel is supposed to ensure that proper legal procedures are followed, in accordance with the defendant's rights under the Constitution, and to explain the proceedings to the defendant. However, the defense counsel is not an advocate for the defendant as in other countries that have both common and civil law systems. In general, the legal system operates as an agency for the enforcement of regime directives; it is not independent from political intervention. According to refugees, a new penal code announced in mid-1985 has not engendered any true reform in the legal system.

VIETNAM

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government operates a nationwide system of population surveillance and control through a household registration system and party-appointed block wardens who use informants to keep track of each person's activities. This system exists in both urban and rural areas. It works imperfectly in southern Vietnam, however, partly because of a shortage of trusted party workers. In the recent past, the security apparatus has reduced its overt control over the population, particularly the average citizen who has no ties to the previous southern regime and who expresses no opposition to the current Government. In addition, according to refugees, the population is increasingly able to circumvent security restrictions through bribery of party and government officials.

There have been reports of official and nonofficial security wardens conducting searches of homes for draft-age males in order to fulfill draft quotas. There continue to be reliable reports that Ministry of the Interior officials inspect and sometimes confiscate mail and packages sent to Vietnam, particularly those sent to politically suspect persons. Outgoing mail is subject to inspection and censorship. Security officials have also followed foreign visitors. The Western press reported one incident in early 1988, when police forced a Vietnamese to confess that she had allowed a foreigner into her home.

The State encourages and reportedly sometimes compels family planning in an effort to reduce the growth rate of Vietnam's burgeoning population. Refugees have reported that the official limit is two children to a family, but this is often ignored, especially in the south. Recently, inducements and penalties have been reaffirmed, but there is no official corroboration of refugee reports that some women have been forced to have abortions in an effort to uphold the two-child limitation.

The regime has widely publicized its program to relocate millions of people to "new economic zones" in virgin or unproductive rural areas in order to reduce unemployment in urban centers and expand agricultural production. The Vietnamese media characterize this resettlement as voluntary, but in many cases it has involved coercion as local officials have striven to meet quotas. The resettlement program initially targeted those whose views and backgrounds were seen as politically suspect and who were often therefore unable to find employment. Conditions in these zones are reportedly extremely poor. Almost no basic services are provided, although the Government does pledge to supply housing, tools, seeds, and fertilizer. Many resettled persons found it impossible to maintain life in these zones and returned to the cities where they were forced to live without the ration cards and neighborhood registration cards essential to procuring regular employment, food, and essential services. A ranking Vietnamese official recently stated that at least 500,000 such unregistered people reside in Ho Chi Minh City. In 1987 the Government acknowledged that living and working conditions in the zones were not satisfactory. As a result, according to a Western press report, Hanoi modified the program and reduced the number scheduled to be moved in the 1985-1990 Five-Year Plan from 3 to 1.5 million. Even so, the targets have been difficult to meet. Vietnamese media reported that in the first quarter of 1988 the Government was able to move only

about one half (42,700 people) the number called for in the state plan, and in December 1988 Hanoi radio said facilities at the sites are still "highly inadequate."

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech is severely limited in Vietnam. The Ministry of Culture and Information and Communist Party organs control all newspapers, books, and other publications, as well as all cultural exhibitions. Criticism of the party and the Government is allowed only within limits set by authorities. In the period leading up to the December 1986 Party Congress, the media published a number of critical articles, presumably aimed at easing senior leaders out of power. In line with his more open style, the new Party General Secretary, Nguyen Van Linh, initiated a series of articles in May 1987 outlining what needed to be done to put the country on the right track. Responding to this more critical approach, the media published a number of reports revealing corruption and inefficiency.

In 1988 the Politburo released a resolution on culture and art encouraging this trend. The Government also announced a draft press law to give journalists clearer guidelines on the limits of negative reporting. The resolution of the June 1988 Fifth Party Plenum, however, was ambivalent about the parameters of acceptable criticism. The resolution praised the press for revealing officials' shortcomings, but criticized the cultural and art sectors for overemphasizing the negative while underemphasizing the positive. The resolution also criticized the "lax control" over video showings. According to Western press reports, video cinemas had screened domestic and foreign films critical of Vietnamese society. Nevertheless, the overall trend in 1988 was toward greater openness in the artistic realm. Two books, for example, addressed topics that previously were taboo, the war in Cambodia and Communist atrocities in the 1968 Tet offensive. Another sign of a thaw was the plan, reported by Western media, of the Writers Association to reinstate the membership of five authors expelled from the group 30 years earlier after they had called for greater literary freedom.

The SRV remained sensitive to foreign influence in the cultural sphere. Asia Watch, a Western human rights group, reported that four writers and a postal worker were convicted in April 1988 of trying to communicate with foreigners. In May 1988, the Vietnamese media also criticized the performance of a visiting Hong Kong cultural troupe for undermining the cultural values of young people.

b. Freedom of Peaceful Assembly and Association

There are prohibitions against meeting either publicly or privately to criticize or protest government actions or policies. According to refugees, citizens must obtain permission to hold gatherings of over three people. Nongovernmental organizations, such as church groups, can meet only for approved and narrowly defined objectives, such as religious services. According to Vietnamese Radio in September, a court in Ho Chi Minh City sentenced Buddhist monks (who had been held since 1984) to death for creating a "counterrevolutionary organization called the Vietnam Human Rights Front and later the Forces of Free Vietnam." In September one lay person was also sentenced to death for

counterrevolutionary activities. In October, presumably in response to adverse foreign reaction, these cases were submitted to the Court of Appeal for reconsideration, and the death sentences of the two monks were commuted to 20-years' imprisonment.

Mass organizations, such as women's federations, have been organized to maintain control over various sectors of the population. They disseminate propaganda and policy guidelines, support party-sanctioned activities, but also recently have been encouraged to take more active watchdog roles.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government tolerates the existence of most religious groups and allows some religious services but is concerned that religious groups could become seedbeds of subversion and political opposition. It has consistently attempted to divide and control the Catholic, Buddhist, Hoa Hao, Cao Dai, Muslim, and other religious groups, in part by establishing government-controlled policymaking bodies such as the Catholic Patriotic Association. In the past the Government has attempted to prevent the growth of religious groups by blocking publication of religious materials and prohibiting the training of new clergy.

In 1987 the Government slightly eased its policy on religion even as it continued to take strong measures against religious persons it considered a threat to the regime. According to foreign observers, Catholics and Protestants were able to attend church services without government interference. The Government permitted two Catholic leaders to attend a worldwide synod, and it sanctioned the opening of two seminaries. (The Government continued to control the teachers at the seminaries, however, and determined which students would be admitted, generally ruling out those with ties to the former southern regime.) In 1987 the number of priests ordained, according to the Western press, increased from a handful in 1986 to 150. The Government also allowed printing of the New Testament but apparently continued to bar importation or publication of the Bible.

In 1988 the controversy over the Vatican's canonization of 117 martyrs who had served the church in Vietnam seriously threatened the gains that had been made the previous year in easing church-state relations. These martyrs, 21 of whom were Europeans, had worked in Vietnam in the 17th and 18th centuries, and Hanoi accused the Vatican of honoring colonial collaborators. The Vietnamese complained that Rome had not consulted with it before announcing the canonization and had chosen the date of the former southern regime's armed forces day (June 19) for the ceremony. The media also criticized Vietnamese Cardinal Trinh Van Can for signing the canonization application during a trip abroad without prior discussion with the "Vietnamese Church" or the State. The Government held study sessions for Vietnamese Catholics to insure that they knew the official line. Hanoi barred Vietnamese bishops from attending the canonization ceremony, but the bishops nevertheless expressed their support for it in a telegram to the Pope. Subsequently, Hanoi may have moderated its stance on the canonization. The Catholic Patriotic Association

reportedly wrote a positive article on the ceremony, and the Government allowed open display of pictures of the martyrs.

Another area of church-state friction was the March 1988 petition of Hue Archbishop Nguyen Kim Dien for restoration of his civil rights. The Government forbade him from performing his pastoral duties in 1984 after he had opposed participation of a priest in his diocese in the Catholic Patriotic Association. The Archbishop died on June 8, 1988.

According to Western and Vietnamese sources, the number of Catholic faithful is increasing. The Vietnamese media reported in January 1988 that Catholics number 4 million. The Vatican put the figure at 6 million. Hanoi and Rome both put the number of priests at 12,000 and bishops at 40. According to one report, six seminaries were open as of mid-1988, but they faced a shortage of teachers. Despite these positive developments, a military chaplain freed from a reeducation camp in 1987 reported that 125 chaplains remained in the camps at the time of his release.

Most of Vietnam's 30,000 Muslims are members of the Cham minority, which the regime distrusts. The linkage of Cham, Khmer Krom, and hilltribe (Montagnard) groups provides the only sizable resistance movement in Vietnam: the United Liberation Front of Oppressed Races (FULRO). In its repression of the Cham, the Government has eliminated the position of mufti (religious leader) within the Muslim communities, disbanded organized Muslim associations, and severed links with overseas Muslims. The regime forbids the religious pilgrimage to Mecca and has not given permission for the Muslim community to participate in the Koran reading contest held annually in Malaysia. Many Muslim schools have been closed, but most mosques remain open. Importation and publication of the Koran is forbidden.

About half of Vietnam's population is Buddhist, but Vietnamese media have reported that only 6 million are active adherents. The majority belong to the Mahayana sect. Vietnamese authorities have tried repeatedly since 1975 to suppress and intimidate the Mahayana leadership. Officials have seized temples and transformed them into public buildings. They have arrested monks intermittently since 1975. According to a Western human rights watch group, a large number of monks remain in reeducation camps. The Vietnamese press agency reported that in January 1988 monks numbered more than 10,000 and that there were 2 university-level institutes of Buddhism.

The regime's attempts to control and suppress the Buddhists became more systematized as a result of a conference, which it organized in November 1981 and which established the Unified Vietnam Buddhist Church. The group's charter states that it is "the only Buddhist organization representing Vietnamese Buddhism in all other relations in the country and with other countries." Strong controls are outlined in the charter: all Buddhist temples are placed under the control of local people's revolutionary committees; prayer sessions and meditations, as well as meetings between monks of different temples, are allowed only with the permission of the local committees.

Most of the Theravada Buddhists are ethnic Khmer (Khmer Krom). Numbering about 800,000, they live in southern and southwestern Vietnam, and have provided the Vietnamese forces occupying Cambodia with interpreters and staff. Nevertheless,

the Vietnamese distrust the Khmer Krom, partly for historical reasons. A number of Theravada leaders have been imprisoned.

The regime has also persecuted other religious groups. The Hoa Hao (an anti-Communist Buddhist armed sect) strongly resisted the Communist takeover of the south in 1975. As a result, the Government violently repressed the sect and arrested virtually all of its leaders. The regime still maintains tight control over Hoa Hao areas. Refugees have reported that Hoa Hao adherents continue to resist the authorities and demand their human rights even in reeducation camps. The regime has also arrested many of the leaders of the Cao Dai, a uniquely Vietnamese armed sect that embraces elements of Buddhism and Christianity. In previous years refugees reported police occupation of the Cao Dai Holy See in Tay Ninh City. The official press has claimed that Cao Dai leaders used the Holy See to establish an antigovernment subversive organization, for broadcasting and printing antigovernment messages, and for storing arms for an uprising. Some leaders have been tried and executed for these activities, according to the official media. The trial of 2 Cao Dai leaders and 31 alleged accomplices was publicized in August 1983.

Adherence to a religion is incompatible with membership in the Communist Party, which espouses atheism. Party membership is, in turn, a major stepping-stone toward political, economic, and educational advancement in Vietnam.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Approval is required for all foreign travel. In early 1988, however, the Government announced that it would authorize private travel abroad for education, tourism, medical treatment, and visits to close relatives. The travel would be restricted to 3 months, except in the case of travel for education or medical treatment, and violators would be barred from further travel for 3 to 5 years. Until this announcement, permission for temporary travel abroad was normally granted only to government officials or approved spokesmen for quasi-government organizations. In June 1988, the Government issued a circular on granting exit visas for family reunification. It applied to husbands and wives, children, parents, and brothers and sisters.

Identity cards are required for internal travel. They generally are not issued to those released from reeducation camps, but one former detainee reported that he was able to purchase one for the equivalent of $500 in 1987. No one is allowed to change his residence or work location without permission from the authorities. Since public security cadres frequently check each household's occupants against the official family register, unauthorized absences can subject families to punishment.

In previous years the Vietnamese had reduced the number of departures of Vietnamese refugees to the United States and other receiving countries. After extended negotiations, the Vietnamese allowed renewed interviews of qualified refugees and immigrants by U.S. Government officers in September 1987. This resulted in 1988 in a program whereby a number of Amerasians and of those seeking family reunification emigrated to the United States. In bilateral talks in July 1988, the United States and Vietnam reached agreement in principle on

the resettlement to the United States of former reeducation center detainees. Subsequently, the Vietnamese unilaterally suspended talks on the implementation of this program.

Refugees left Vietnam clandestinely during 1987 at a high rate. In part, this was because of a safer route opened across Cambodia. This trip involved land and sea travel from Ho Chi Minh City to eastern Thailand. Those who fled paid facilitators on the average $2,000 to $3,000 per person, usually after they reached their destination safely. This route virtually shut down in early 1988 after Thailand instituted deterrent measures. Some who fled were forced to go back to Vietnam. According to several reports, these repatriates faced no punishment or discrimination after their return. In midyear, as part of Hanoi's effort to improve its image abroad, the Vietnamese agreed to increase acceptance of voluntary repatriates, provided there was financial assistance. An accord was signed with Hong Kong, and the Vietnamese also offered to encourage volunteers from camps in Malaysia to return.

In mid-1987 Vietnam relaxed its restrictions on tourist permits for those who had fled the country, prompted in part by the need to earn foreign exchange. Now, only those who committed "serious crimes" are not allowed to visit.

Since the occupation of Cambodia by Vietnam, large numbers of Vietnamese have settled in Cambodia. Although some of these persons are former residents expelled by the Lon Nol Government and later by the Khmer Rouge, others are first-time settlers.

In June 1988, Vietnam adopted a new nationality law. It stated that those who wished to divest themselves of Vietnamese citizenship could renounce it formally but that the Government would need to approve the request.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens are not free to change their Communist-dominated system of government. All authority and political power is vested in the Vietnamese Communist Party. Political opposition to this system is not tolerated. The Politburo of the Central Committee of the Vietnam Communist Party is the supreme decisionmaking body in the nation. The Politburo's powerful Secretariat oversees day-to-day implementation of directives. The party leadership selects candidates for the Central Committee, while periodic national party congresses merely ratify the previously selected candidates. Each congress is made up of delegates from the party apparatus of each province, who are similarly selected by those at higher levels.

Ostensibly the chief legislative body, the National Assembly, has long followed the guidelines and policies of the party but, in the past year, has been accorded some role in policy development and oversight. Government policies and ministers were openly criticized at the June 1988 session which saw the first open election of the premier. The party choice, Do Muoi, won, but his southern opponent, Vo Van Kiet, got about a third of the votes cast. National Assembly elections are held in Vietnam every 5 years. However, the elections scheduled for 1986 were postponed until April 1987. These elections were slightly more democratic than previous ones. In the past, the party selected most candidates, but this time

candidates were nominated in public meetings. However, the quasi-governmental mass organization, the Vietnam Fatherland Front, evaluated all candidates. Voters had an opportunity to criticize candidates and had a greater selection than before, with 829 competing for 600 seats. From the single list presented to them, voters may only strike out the names of candidates for whom they do not wish to vote. In several cases during the most recent elections for the National Assembly, however, no candidate received sufficient votes. In those cases it was necessary to hold follow-up elections with new candidates.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not cooperate with international human rights groups and it strongly resents criticism of its human rights policies.

Foreign delegations and journalists who have been allowed to visit reeducation camps have been shown only model camps. Former detainees have described extensive preparations to beautify camps prior to visits, temporary removal of most detainees during the visit, and careful briefing of the remaining detainees by Communist party cadres on what to tell delegation members. The Government does not permit the existence of private human rights groups in Vietnam.

Vietnam is not a member of any international human rights organization, nor is it active in promoting human rights in other countries. In 1988, however, the Vietnamese permitted the Vietnamese Red Cross to participate in international meetings.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Gradual assimilation and cooption appear to be the Government's long-run strategy for most minorities. The Government has created special schools in the Hanoi area to train minority cadres to be the "eyes and ears" of the party among their own people. Highland minorities in central Vietnam are subject to repression if suspected of ties with resistance groups. Officially programmed resettlement of ethnic Vietnamese into the highlands is designed in part to increase government control over minority groups once dedicated to hunting, gathering, and slash-and-burn agriculture. As new inhabitants change ancient land use and ownership patterns, the tribes are being forced into settled agriculture. Minorities in the south, such as the Chinese and the Indians, have been encouraged to leave the country. Since the adoption of economic reforms, however, the Government has valued the entrepreneurial skills of the Chinese population and has allowed a limited renaissance of private enterprise in Cholon, the area of Ho Chi Minh City where the Chinese population is concentrated.

People released from reeducation camps face considerable discrimination, according to refugees. They do not regain their citizenship until 1 year after leaving the camps, if then. In addition, their children generally are not allowed to attend college.

According to a Western academic specialist on Vietnam, the regime divides students applying for admission into universities into categories depending on their family status. Refugees have confirmed this and added that the regime goes back three generations when assessing family background. The passing grade on entrance examinations is lower for those with close links to the current regime (such as children of party officials). The passing grade required of those at the other end of the spectrum, such as children of officials of the former southern government, is so high as to virtually foreclose the possibility of attending university. The party committee in each school reportedly has the final determination as to who will graduate. Similarly, study abroad is restricted to politically acceptable persons.

Women do not appear to face discrimination in general employment. Women, however, do not have positions in the leadership of the country in proportion to their numbers. There are no women in the Vietnamese Politburo and only a handful in the party Central Committee.

Section 6 Worker Rights

a. The Right of Association

In lieu of independent labor groups, "unions" have been set up under the Vietnam General Federation of Labor Unions (VGFLU), which is controlled by the Communist Party. Claiming 3 million members, the VGFLU's stated goal is to increase support for party policies and economic production. Strikes are "unpatriotic" and officially forbidden. The VGFLU's ineffectiveness and lack of interest in the welfare of the workers came under sharp attack last October by delegates to its first national congress in years. The VGFLU is affiliated with the World Federation of Trade Unions (WFTU).

b. The Right to Organize and Bargain Collectively

Workers are members of state-controlled trade unions and have no right to bargain collectively. Labor standards are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced labor has been used by Vietnamese, and by local authorities in Cambodia under Vietnamese control, for projects to improve the logistical infrastructure for Vietnamese occupation troops. Credible reports indicate that the Vietnamese have also used forced Cambodian labor to construct military fortifications and defensive barriers along the Thai-Cambodian border. A number of government projects in Vietnam have used forced labor provided by reeducation camp prisoners.

d. Minimum Age for Employment of Children

No information is available on minimum age laws, but visitors have reported seeing children work in factories.

e. Acceptable Conditions of Work

Working conditions are generally poor. Wages for most workers are generally at or under basic subsistence levels. According to refugees, living conditions for workers have worsened since 1987. Until that time the Government had guaranteed that

workers could purchase a fixed amount of rice at government-set prices. The Government dropped this provision and raised the monetary wage as compensation. The wage increase, however, was not enough to cover the price of rice in the free market, considerably higher than the government-set price.

According to a Vietnamese press report, more than 120,000 workers were sent abroad between 1980 and 1988. The Western media and refugees have reported that workers welcome the opportunity to go abroad to escape poor economic conditions at home, but some complaints about treatment abroad have recently been publicized in the Vietnamese media.

As of early 1988, more than 40,000 Vietnamese were working under contract in the U.S.S.R. Vietnam announced that it would "assign" an additional 10,000 workers to the Soviet Union, the German Democratic Republic, Czechoslavakia, Bulgaria, Algeria, and Iraq throughout the year. A significant portion of the wages of overseas workers is deducted to help pay for Vietnam's debts to those countries. Criticism of Vietnam for this practice led it to withdraw from the International Labor Organization, effective May 31, 1985.

WESTERN SAMOA

Western Samoa, a small Pacific island country with a population of around 165,000, is located approximately 1,600 miles northeast of New Zealand. It received independence from that country in 1962 and still looks to it as a model for its governmental and educational systems. At independence, it adopted a Constitution proclaiming the nation to be an independent and sovereign state based on "Christian principles, and Samoan customs and tradition." The Constitution established a parliamentary democracy on the Westminster model but with certain concessions to Samoan cultural practices. It provides for a Samoan head of state, a unicameral legislature, an independent judiciary, protection of Samoan land and traditional titles, and guarantees of fundamental rights and freedoms. Executive authority is vested in the Head of State, with the Government administered by the Cabinet, consisting of the Prime Minister and eight ministers chosen by the Prime Minister. All legislation passed by the Legislative Assembly needs the approval of the Head of State before it becomes law. The present Head of State, Malietoa Tanumafili II, holds the position for life. His successors will be elected by the Legislative Assembly for 5-year terms.

The culture of Western Samoa is essentially Polynesian but uniquely Samoan. A proud people, Samoans believe that all Polynesian people trace their origins to Samoa. Traditional authority is vested in the matai (leader of an extended family). Each extended family, or aiga, has at least one matai, who is appointed by a consensus of the aiga. Ownership of land is legally vested in the matai. It is the matai's responsibility to direct the economic, social, and political affairs of the aiga. There are 362 villages in Western Samoa with a total of over 20,000 matai. Each village is governed by a Fono or council of matai, which can fine or otherwise punish offenses against village rules. Western Samoa does not have any defense force. The small national police force is firmly under the control of the Government.

The economy is primarily agricultural, with limited potential for development. It is susceptible to shifts in world prices for its export commodities, such as coconut oil. Western Samoa is heavily dependent on foreign aid, particularly from New Zealand, and on remittances sent to family members by the approximately 300,000 Samoans living abroad in Australia, New Zealand, and the United States.

There were no significant human rights problems in 1988.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives does not occur.

b. Disappearance

There have been no instances of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment are prohibited by law, and there have been no reports of such practices.

d. Arbitrary Arrest, Detention, or Exile

The law contains safeguards against arbitrary arrest, and these are observed in practice. Preventive detention and exile do not take place.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Western Samoan law assures the right to a fair public trial, and this right is honored. All charges are stated formally and clearly. Defendants are entitled to counsel. There are no special courts to deal with political or security offenses, and the judiciary is independent of government interference or influence. Decisions of village matai about customary law are not subject to judicial review, but there have been no allegations of arbitrary or excessive punishments.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government respects the privacy of its citizenry and does not permit arbitrary interference with the family, home, or correspondence. Both law and local custom provide for protection from invasion of the home or seizure of property without substantive and procedural safeguards, including search warrants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and the press are fundamental parts of the Constitution. They are respected in law and practice. The press is independent of the Government.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly and the right to form associations. There are no significant restrictions.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided for in the Constitution, along with freedom of thought and conscience. Each person has the right to change religions or belief and to worship or teach religion alone or with others. There is no government-favored religion. Nearly 100 percent of the population is Christian.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no controls upon citizens of Western Samoa regarding internal movement or resettlement. Foreign travel is unrestricted, and the right to return guaranteed. There are no refugees from or in Western Samoa.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Power in Western Samoa is vested in the Prime Minister and the Legislative Assembly. Under the Constitution, the Assembly is elected every 3 years. Forty-five of its members are elected by the approximately 20,000 village chiefs (matai), and the other 2 seats are filled by elections among those citizens who are not Samoan by heritage. There are numerous female matai, and some women serve as members of the Legislative Assembly. Although there is increasing pressure for popular elections, this concept is seen by many as conflicting with "Fa'a Samoa" (the Samoan way). The existing political structure is viewed as democratic, in that the matai traditionally consult with their extended families before making decisions such as selecting candidates for the Assembly. The matai system is conservative but does allow for change. While Samoans must show respect and obedience to their matai in family and communal affairs, the matai have well-defined responsibilities which, if not met, can result in removal.

Western Samoa has only the rudiments of political parties. The first one, founded in 1982, was the Human Rights Protection Party (HRPP); its leader, Tofilau Eti, is currently Prime Minister. Although a second party, the Samoan National Development Party (SNDP), was formed during 1988, replacing the previous Christian Democratic Party which had been founded in 1985, the political process in Western Samoa remains very much a function of personality rather than party. As a result, several previous elected governments fell before the end of their prescribed 3-year terms when supporters defected to the opposition.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In the absence of allegations of abuse of human rights in Western Samoa, no international or nongovernmental bodies have conducted investigations. There are no official or private human rights organizations in Western Samoa.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Samoa is a homogeneous society with no significant ethnic minorities. Samoan politics and culture are the product of a heritage of chiefly privilege and power, and persons of good family have certain advantages. Women traditionally occupy a subordinate role. The functioning of the matai system, including the democratic consensus method of selecting the matai themselves, tends to work against systematic discrimination.

The Samoan Constitution makes special provision to preserve the political rights of non-Samoans. Persons of mixed

ancestry who are culturally Samoan are fully accepted and can attain positions of considerable wealth and influence.

Section 6 Worker Rights

a. The Right of Association

Western Samoan workers have complete and unrestricted rights to establish and join organizations of their own choosing. While trade unions have not emerged in the private sector, the Government does not restrict efforts to develop them. A public service association representing government workers, an increasingly important sector of the work force, does exist. The Supreme Court has upheld the right of government workers to strike, subject to certain restrictions imposed principally for reasons of public safety. The public service association freely maintains relations with international bodies and participates in bilateral exchanges.

b. The Right to Organize and Bargain Collectively

While workers have the right to engage in collective bargaining, there is little practice of this right because of the absence of unions in the private sector. However, the public service association engages in collective bargaining on behalf of government workers. Arbitration and mediation procedures are in place to resolve labor disputes, though these rarely arise. Labor law and practice are uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and does not occur in practice.

d. Minimum Age for Employment of Children

Under the terms of the Labor and Employment Act of 1972 and Regulations of 1973, it is illegal to employ children under 15 years of age except in "safe and light work." The law does not apply to service rendered to the matai, some of whom require children to work at what might be considered child labor.

e. Acceptable Conditions of Work

The Labor and Employment Act of 1972 and Regulations of 1973 established for the private sector a 40-hour workweek and a minimum wage of $0.25 an hour. This small minimum wage suffices for a minimum standard of living when supplemented by the subsistence farming and fishing which most families engage in. The law also establishes certain rudimentary safety and health provisions. Independent observers report, however, that the safety laws are not strictly enforced except when accidents highlight noncompliance. In addition, many agricultural workers, among others, are inadequately protected from pesticides and other hazards because of limited employer awareness of occupational hazards. Government education programs are addressing these concerns. The law does not apply to service rendered to the matai. Government employees are covered under different, more stringent regulations, which are adequately enforced.

ALBANIA*

Albania, which proclaims itself a People's Socialist Republic, is a one-party state ruled by a Marxist-Leninist dictatorship. Ramiz Alia, who officially replaced long-time dictator Enver Hoxha as Albania's leader in 1985, exercises personal leadership through the 140,000-member Communist party known as the Albanian Party of Labor (APL). Internationally, he has pursued a policy of cautiously expanding diplomatic, cultural, and commercial links abroad, especially with Balkan and Western European states.

A large, effective security service, the Sigurimi, assists the APL in maintaining repressive controls over the Albanian people, who are permitted only very limited civil and political rights.

Albania has a centrally controlled command economy under which the State owns the means of production, and the Government directs all significant economic activity. Within a strategy of economic self-reliance, the Government emphasizes a policy of rapid industrialization and development. In recent years, however, the rate of economic growth has declined. Many agricultural production targets were not met in 1988.

Information on internal conditions within Albania is limited. Nevertheless, it is known that a limited number of restrictions on everyday life have been relaxed somewhat under Alia. Although the Albanian population continues to be isolated from foreign influences, the Government now tacitly allows citizens to receive foreign broadcasts from Italy, Greece, and Yugoslavia. The Government has liberalized visa issuance for tourists from most Western countries and allowed a limited number of its own citizens to visit neighboring countries in tour groups. In other areas, significant human rights violations, corroborated by private international organizations and refugees, continue to occur. The Government has repeatedly refused to cooperate with any international organization which investigates human rights complaints.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political killing

No evidence came to light of political killings by the authorities during 1988.

b. Disappearance

There is no recent information available on whether disappearances occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The criminal code prohibits and provides punishment for the use of physical or psychological force during investigations.

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*The United States has not had diplomatic relations with Albania since 1939. Therefore, it is difficult to comment authoritatively on conditions in Albania.

Nevertheless, former political prisoners have often reported that they were beaten or otherwise ill-treated during investigative proceedings to force them to make confessions. Although some of the worst abuses of the past may have ended, there continue to be allegations that Albanian investigators resort to threats and beatings to obtain confessions or collaboration. In the absence of independent means of investigation, it is difficult to corroborate such reports.

In the past, private international humanitarian organizations have reported harsh prison conditions in Albania, including a severe hard-labor regime with inadequate food and clothing, long-term solitary confinement, cramped cells without room to lie down, and unheated, unfurnished cells lacking any sanitary facilities. The Burrel prison and Spac and Ballsh labor camps, in particular, have been noted for their harsh conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no one may be arrested without court or prosecutorial approval or be sentenced to jail without a court verdict or for an act which is not a crime. The criminal code, however, is explicitly ideological and officially characterized as a "weapon in the class struggle." Its provisions defining political offenses are loosely formulated, allowing the courts to interpret them broadly to punish whomever the regime desires.

The criminal code lists 34 crimes, 12 of which are political offenses, for which the death sentence may be imposed. Among these are such nonviolent political offenses as: unauthorized departure or "flight" from the State, agitation and propaganda against the State, creation of a counterrevolutionary organization or participation therein, concealment of a person who commits a crime against the State, activity against the revolutionary movement of the working class, and refusal to carry out a duty or coercing others to refuse. Amnesty International (AI) reports that it is not known whether any death sentences were imposed or executions carried out.

The criminal code also provides that banishment (generally to a state farm or enterprise) or internment may be imposed administratively, without trial, for up to 5 years on persons whom the authorities consider a threat to the Communist system, and on the families of fugitives. In February a new decree (No. 7071) was officially reported concerning "internment and exile as administrative measures." However, the text of the decree was not published, and it is not known how this decree differs from Decree No. 5912 of 1979.

There are numerous reports that families of escapees from Albania have been imprisoned or interned as a deterrent to other potential illegal emigrants. AI has reported a number of such cases in recent years, but another source claimed that close relatives of recent escapees are no longer interned.

AI reports that political detainees lack adequate legal safeguard during pretrial investigations. It also notes that political prisoners awaiting trial are not guaranteed visits from relatives during the investigation or access to a legal adviser unless the court "deemed it necessary". By law, investigations into crimes against the State must be completed within 3 months, but extensions are easily obtained, and no effective maximum period of investigation is enforced. Most

investigations into political offenses are completed within 4 months, but AI has charged that some investigations have dragged on for more than a year.

Political detainees have been held in solitary confinement for up to 6 months during pretrial investigations without access to lawyers or relatives. The criminal code provides that accused persons must be informed when investigation of their cases is concluded and allowed to examine all the evidence to be brought against them. Usually, however, they are not allowed to examine all the materials and are shown only a copy of the indictment. While investigators are theoretically bound by rules of procedure, and the accused may appeal to higher authority against investigators who violate proper procedures, these controls do not appear to be effective.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system includes the Supreme Court and regional and district courts. Like all organs of the Government, the judicial system is under the total control of the APL. Courts may not render an independent verdict in conflict with the wishes or policies of the regime.

AI reports that persons accused of political crimes lack adequate legal safeguards during their trials. Defendants at political trials have usually been denied defense counsel and have had to conduct their own defense. Major important trials of state officials are closed when it suits the purposes of the regime, but most political trials of ordinary citizens are held in open court. Most such trials last no more than 1 day, and there have been no known acquittals.

Reports of the number of persons in prison range from 4,000 to 40,000, including 300 members of the pre-World War II elite, as well as pro-Soviet, pro-Chinese, and other political prisoners. Many persons are serving sentences for expressing dissatisfaction with conditions in Albania or for trying to flee the country. Former political prisoners report about 1,200 political prisoners each were being held in the Ballsh and Spac labor camps during the early 1980's. Some 300 more were imprisoned at Burrel, and others were held in Tarovic, Kosove, and Tirana prisons.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution proclaims the inviolability of the home and the privacy of correspondence, but at the same time it provides that these and other civil rights are subordinate to the general interest and may not be exercised in opposition to the Socialist order. Observers generally believe that the authorities can, and do, violate the privacy of the home when and as necessary to achieve their ends. The Government uses its pervasive informer network to report on, among other things, the private lives of its citizens.

Contact with the outside world is carefully monitored. Albanian citizens are required to report to the police any contact with foreigners, but many welcome casual contact with foreign tourists. Refugees have reported difficulties they had while in Albania in receiving telephone calls from relatives living in the United States. Sometimes packages of

food, medicine, and clothing sent to them were returned by the Albanian authorities. After 1986 it became significantly easier to receive letters and packages from relatives abroad. Though it is technically illegal to receive television or radio broadcasts from neighboring Italy, Yugoslavia, and Greece, the Government tacitly allows its citizens to do so.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution states that citizens enjoy these freedoms, it provides that they may not be exercised in opposition to the Socialist order. The Government has imposed rigid restrictions on freedom of speech and press. Any citizen who publicly criticizes the Government is subject to swift and severe reprisals under an article of the Constitution which forbids antistate agitation and propaganda. AI states in its 1988 report that the majority of political prisoners were imprisoned for attempting to exercise their rights to freedom of expression and freedom of movement.

All news media are government controlled and never criticize the state and Party leadership or their policies. Art and literature are deemed to be weapons of revolutionary change and are subject to rigid state control and censorship. The authorities also manipulate scholarly inquiry and publications for political purposes, particularly in such fields as linguistics, literature, economics, history, geography, folklore, and ethnology.

Information from abroad is carefully restricted. Persons having unauthorized contact with foreigners may be reprimanded or jailed. Such restrictions have been relaxed lately. Western visitors report that Albanian citizens are increasingly bold in talking to Western visitors and tourists. Tirana's decision to join the push for Balkan cooperation by hosting three multilateral meetings in the next 2 years should increase the exposure of the Albanian citizenry to external influences.

b. Freedom of Peaceful Assembly and Association

The security police deal severely with group activities that do not have government sanction or that appear to be in opposition to the leadership. There are no independent associations or organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

All religious activity in Albania is expressly prohibited by the Constitution and by government policy. Historically, about 70 percent of all Albanians were Muslim, nearly 20 percent were Orthodox, and a little more than 10 percent were Roman Catholic. A recent refugee report estimated that between 2,000 and 2,500 Jews live in Albania.

In 1967 the Government proclaimed Albania the first atheist state in the world, abrogated all laws dealing with church-state relations, and began actively to eradicate all vestiges of religion. More than 2,100 mosques, churches, monasteries, and other institutions were closed, their fixed assets were

seized without compensation by the authorities, and many religious leaders were persecuted, imprisoned, or even executed for continuing their religious functions. All religious literature was banned, as were any personal manifestations of religious belief or practice. While a few outstanding historic churches and their religous art are being restored as museums, most churches and mosques have been converted to other uses.

The regime continues to suppress religious activity by threatening harsh penalties for believers who practice their faith and by obliging citizens to inform on believers. Nevertheless, there have been some signs that the regime, eager to improve its relations with Western European countries as well as with its Balkan neighbors, is quietly toning down its antireligious campaign and even permitting private expressions of religion. There has been, however, no official statement that religious practice is once again allowed.

In its 1988 report, AI reported that it had no new information on the fates of Roman Catholic priests Pjeter Mashkalla and Ndoc Luli. Both priests were reportedly imprisoned for conducting religious services. Father Mashkella reportedly died in prison in 1987. Despite years of antireligious pressure, some Albanians have continued to practice their faith in their own homes, particularly in villages and in more remote mountainous areas. Tourists have also reported seeing Muslims praying along roadsides with apparent impunity.

In November 1983, the Vatican publicly condemned religious persecution in Albania and claimed that a number of priests, members of holy orders, and seminarians had died in prison. It also reported that two priests had been executed for baptizing children. The official press denies, however, that believers have been persecuted and maintains that religious belief is opposed only by argument.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution does not guarantee freedom of movement. Movement within the country and travel abroad are controlled very strictly, and transgressors against the laws have been severely punished in the past. The criminal code states that flight from the State or refusal to return to the fatherland by a person sent abroad on service or allowed to leave the State is considered treason and punishable by imprisonment for not less than 10 years or by death. AI stated in its 1988 report that it had learned of three prisoners imprisoned (for 16, 12, and 25 years, respectively) for trying to leave Albania illegally. Until recently, Albanians were allowed to leave the country legally only on official business or, very rarely, for family reasons. In 1987 organized groups of Albanian tourists visited Yugoslavia, and Albania is reported to be negotiating similar programs with Italy and other Western European countries. Albania has publicly stated that it wishes to increase the number of its university students on exchange programs in Western countries. Neither Albanian law nor practice allows the right to emigrate.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

No such right exists in theory or in practice. The system of government is a Communist dictatorship, headed by Ramiz Alia

in his capacity as First Secretary of the APL and Chairman of the Presidium of the People's Assembly. The Constitution establishes the APL as the sole political entity and Marxism-Leninism as the only political ideology. The APL is governed internally by the principle of "democratic centralism," under which decisionmaking power is concentrated in the hands of a small elite.

The Constitution provides that the People's Assembly (a unicameral parliament) is the supreme organ of national government in Albania; similar bodies, called people's councils, exist at the local level. Candidates for these assemblies are first designated by a mass organization known as the Democratic Front, which is controlled by the APL, and then "elected" without opposition by universal suffrage. There are several women in party and government leadership positions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government denies violating human rights and refuses to cooperate with any investigation of allegations to the contrary, including confidential investigations by the United Nations Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Greeks are the largest ethnic minority, but smaller numbers of Serbs, Macedonians, Vlachs, Gypsies, and Jews also live in Albania. The Constitution grants national minorities "guaranteed protection and development of their culture and popular traditions, the use of their mother tongue, and its teaching in the schools, and equal development in all fields of social life." While there are differences of opinion over the extent to which minorities can exercise their cultural, educational, and linguistic rights, they are clearly restricted. While Greeks and Macedonians can be educated in their mother tongue through the primary level, there is no broadcasting in these languages. A Greek-language newspaper, Laiko Vima, is published in the southern town of Argyrokastro. Cross-border ties between Greeks increased after the November 1987 visit to Albania of the Greek Foreign Minister, with relatives and friends of the Greek minority being permitted to send remittances to Albania.

Several reports indicate persecution, harassment, and discrimination against minorities solely because of their ethnic status. There have even been reports of mass removals of segments of the Greek population out of traditionally Greek lands in the south to areas more distant from the Albanian-Greek border. Furthermore, insofar as the ban on religious practice has removed the Greek Orthodox church from Greek communities in Albania, an important part of that ethnic group's community life and links to Greece has been eliminated. The leadership of both the APL and the Government are overwhelmingly ethnic Albanians of Moslem background. The Chairman of the People's Assembly, a Greek woman, is one notable exception, however.

The Constitution states that women shall enjoy "equal rights with men in work, pay, holidays, social security, education, in all social-political activity, as well as in the family."

Information on the extent to which these rights are exercised is not available, but there are indications that the regime has advanced the status of women. Women are said to participate equally in the obligatory labor and military service programs. Women account for 47 percent of the total labor force and 53 percent of the agricultural labor force.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to associate freely and to strike. Nearly all Albanians belong to trade unions that are part of the United Trade Unions of Albania (UTUA), an arm of the APL. These unions have no significant independent voice in the field of labor relations, but they play a key role in indoctrinating and propagandizing the workers, in maintaining labor discipline, and in organizing the periods of so-called voluntary manual labor in which all Albanians are expected to take part. There is a seat reserved for the UTUA as an affiliate of the World Federation of Trade Unions, but the Albanians have not participated in this Soviet labor front since the mid-1960's. Albania withdrew from the International Labor Organization in 1967.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize freely and to bargain collectively. There are no special economic incentive zones.

c. Prohibition of Forced or Compulsory Labor

Little information on forced labor is available. It is believed that one form of punishment is internal banishment to a labor camp. The prisoners do not have a choice of work but are remunerated for their labor.

d. Minimum Age for Employment of Children

According to the Labor Code of 1980, amended in 1981, the minimum age for employment of children is 15. Those under 16 years of age may not work more than 6 hours per day.

e. Acceptable Conditions of Work

According to the Labor Code, the workweek is 48 hours. Pregnant women, children under 16 years of age, and persons with a doctor's certificate may not work between 10 p.m. and 6 a.m. Women, young persons under 18 years of age, and those with a doctor's certificate are prohibited from working underground. Workers in arduous and dangerous jobs are provided appropriate protective clothing and special food rations. The Labor Code contains regulations pertaining to occupational health and safety, but there is no available information on the effectiveness of enforcement. Minimum wage information is not available.

AUSTRIA

Austria is a constitutional parliamentary democracy. A coalition government (Socialist Party and People's Party), formed after the November 1986 national election, continued in office in 1988. The loosely united Green Party and the liberal/nationalist Freedom Party comprised the opposition.

The police and security organs are effectively subordinated to the executive and judicial authorities.

Austria has a developed economy, and Austrians enjoy a high standard of living. Since World War II, Austria has served as a country of first asylum for nearly 2 million refugees from Eastern Europe. In 1988, in response to large numbers of refugees (primarily from Eastern Europe) accumulating in Austrian transient facilities, the Government established a program for stricter adherence to its asylum policy and a more rapid resolution of individual cases.

Human rights are highly respected in Austria, and individual rights and political freedoms are constitutionally guaranteed.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings either by government authorities or by opposition groups.

b. Disappearance

There were no political abductions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is banned by article II of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is incorporated into the Austrian Constitution. In 1988 no allegations concerning torture or other acts of official brutality came to public attention. The rights of persons under arrest are respected in practice.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary detention and exile. In criminal cases, the law provides for investigative or pretrial detention for up to 48 hours, by which time an investigative judge must decide on the legality of continuing the detention. Provided the investigative judge agrees, the accused may be held, pending completion of an investigation, for a maximum of 2 years. Grounds for investigative detention are enumerated in the law, as are conditions for release on bail. Domestic critics of the use made of pretrial detention point to the fact that, of those so detained in Vienna, for example, only 57 percent were eventually found guilty of crimes justifying prison sentences. In 1987 the average duration of pretrial detention ranged between 41 and 67 days in different provinces.

AUSTRIA

The number of persons held in investigative detention and serving prison sentences has steadily declined in recent years, reaching a low of 7,337 in February 1988 (of whom 1,616 were in investigative detention). As part of a comprehensive reform of the law governing detention for infractions of administrative law, an amendment which went into effect on July 1 aims at further reducing the number of such detentions and at strengthening the rights of those detained. When concluded, this reform will bring Austria into compliance with Article 5 of the European Convention. (Since, in noncriminal cases, Austrian law allows an administrative authority rather than an independent judge to order detention, Austria signed the convention with an exception clause for Article 5.)

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is independent of the executive and legislative branches of government. Trials are public. Judges are appointed for life and may not, in principle, be removed from office. Jury trials are prescribed for major offenses, and those convicted have the right of appeal. Written charges must be presented to the accused, who has the right to be represented by a lawyer.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for the protection of personal data collected, processed, or transmitted by government agencies, public institutions, and private entities. Constitutional provisions also protect the secrecy of the mail and telephone. The privacy of family life is respected. There is no effort by the Government to monitor or control family life.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are provided for in the Constitution and respected in practice. Austria has a free, independent, and multifaceted press, ranging from conservative to Communist. Publications may be removed from circulation if they violate legal provisions concerning morality or public security. As a matter of practice, such cases are extremely rare. Opposition viewpoints are given wide attention in Austrian publications. Freedom of academic expression is respected. Austria's well-established democratic political system, its active and independent press, and its effective judiciary combine to assure continued freedom of speech and press.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association. Public demonstrations require a permit from the police authorities, who may consider only the public safety aspect of the proposed demonstration and not its political purpose. Permits are routinely issued.

The Austrian State Treaty of 1955 makes an exception to freedom of association in the case of Nazi organizations and activities. The Constitutional Law of 1945, as amended in 1947, also prohibits Nazi organizations and activities. A

constitutional court decision in 1988 further specified that a group with a neo-Nazi program could not register as a political party. The law on the formation of associations stipulates that permission to form an association may be denied if it is apparent that the organization will pursue the illegal activities of a prohibited organization.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

This right is provided for in the Constitution, although the Treaty of St. Germain, which also is a constitutional provision, restricts this freedom to the practice of religions which are compatible with public safety and morality. In order to qualify as a recognized religious organization under Austrian law, religious groups register with the Government. Although 88 percent of the population is Roman Catholic, most of the world's major religions are represented.

Overt and explicit expressions of anti-Semitism are not part of public discourse in Austria, but several surveys have indicated that such sentiments are latent among some Austrians. These came to the surface when allegations concerning the wartime activities of Kurt Waldheim (elected President of Austria in June 1986) elicited a disturbing anti-Semitic reaction on the part of individual Austrian citizens. The Government has condemned this phenomenon in very strong terms and has recommitted the country to combating all its manifestations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions concerning freedom of movement within the country or the right to change residence or workplace. Austrian residents are free to travel abroad and to emigrate. Citizens who have left the country have the right to return.

Austria serves as a country of first asylum for refugees from Eastern Europe and as a transit point for Soviet Jewish emigrants on their way to Israel or other countries. Between January and August 1988, 11,334 persons applied for asylum in Austria. As of August, 15,644 asylum applicants were being cared for by the authorities. Of these, some 2,000 have been recognized as refugees under the Geneva Convention. About 3,500, however, have not been granted refugee status. Most of the remaining cases are still pending. In 1988 the government budget for refugee reception, care, and maintenance totaled $44.6 million.

Because of the current influx of asylum seekers, the Austrian authorities instituted an accelerated procedure for distinguishing between legitimate political asylum seekers and "economically motivated" immigrants. Those arriving from Poland and Hungary are informed that they have very little chance of receiving asylum. A handful of those denied Austrian asylum under this procedure have reportedly been deported to their country of origin, but the majority have been allowed to remain in Austria pending their requests for resettlement in third countries.

AUSTRIA

In recent years, the Government has drastically limited the issuance of work permits to non-Austrians in an effort to reduce domestic unemployment. Austria's foreign worker population, which averaged 226,400 in 1973, stood at 146,000 in 1986 and 156,800 as of August 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Austria is governed through a democratic parliamentary system. Under the Constitution, national elections must be held at least every 4 years. Elections are free and regularly draw high levels of participation. The most recent national elections (1986) resulted in a change of government. No party won an absolute majority. The Socialist Party, which won 80 seats in Parliament, went into coalition with the People's Party, which won 77 seats. Two other parties are represented in Parliament: the liberal/nationalist Freedom Party won 18 seats, and the Greens won 8. Several small parties participated in the elections, including the Communist Party, which did not receive sufficient support to elect candidates to the Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Allegations of improper activities on the part of the authorities are discussed and investigated by press, public groups, and private persons without government hindrance.

Austria recognizes the competence of the European Human Rights Commission in Strasbourg for implementing the European Convention. Austria concerns itself extensively with international human rights matters. Representatives of oppressed groups frequently visit Austria and meet with government officials and political leaders to explain their views. Because of Austria's geographic position, such meetings frequently focus on the human rights situation in Eastern Europe.

Amnesty International is the major nongovernmental human rights organization active in Austria. Austrians also provide financial support to the Bruno Kreisky Foundation, which was formed in 1976 to honor distinguished human rights activists.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Austria has an extensive public welfare system, the benefits of which are available to all citizens on a nondiscriminatory basis. In employment and in other areas, there is extensive legal protection against discrimination because of race, sex, religion, language, or social status, and, in practice, there is no pattern of such discrimination.

Legal restrictions on women's rights have long been abolished. Women are entering the work force in increasing numbers and have made substantial progress toward economic equality in the postwar era. Nevertheless, inequality in practice still exists in political, economic, and social fields despite legislation enacted in 1977 and 1979 to reform family law. In 1988, 39 percent of the labor force was composed of women; women's average income was 23 percent below that of men. In recent years this income disparity has declined.

AUSTRIA

Women participate fully in the electoral process and constitute 53 percent of the Austrian electorate. Since 1983 a state secretary, a woman in the Chancellor's office, has been responsible for women's issues within the Government. The present coalition Government has two women cabinet members (Education and Family; Sports and Environment).

The human rights of Austrian minorities are fully respected; however, in 1988 the Slovenian-speaking minority in the province of Carinthia continued to be concerned about the future of instruction in the Slovenian language in local elementary schools. The Slovenes feared that changes in the province's bilingual education system, which some German-speaking groups advocated, might tend to curtail the use of Slovenian in many provincial elementary schools. In 1988 a compromise solution was adopted which, while not entirely satisfactory to either of the sides, promised to retain Slovenian/German bilingual education in a majority of instances.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to strike. Their right to join trade unions and to engage in activities in pursuit of trade union aims is protected under general constitutional guarantees of freedom of association. In practice, Austrian trade unions have an important and independent voice in the political, social, and economic life of the country.

Strikes in the postwar period have been comparatively few and usually of short duration. High on the list of reasons for Austria's record of labor peace is the system of "social partnership"--a nearly unique unofficial forum for cooperation among labor, management, and government. At the center of the system is a commission on wages and prices which has an important voice on major economic questions.

b. The Right to Organize and Bargain Collectively

Unions have the right to organize and bargain collectively. Nearly 60 percent of the work force is organized in 15 national unions, each of which is a member of the Austrian Trade Union Federation (ATUF). This organization has a strong, centralized leadership structure. Individual unions and the federation are independent of government or political party control (although there are formal factions within these organizations that are closely allied with political parties). The labor movement enjoys widespread acceptance and almost all large companies, private and state owned, are strongly organized.

Workers are further protected by membership in the Austrian Chambers of Labor--compulsory for all employees except civil servants. The Chambers of Labor provide legal representation for workers in their relations with employers and, most importantly, vis-a-vis government agencies and in legislative and social security matters. While there is some overlap in the functions of the Chambers of Labor, on the one hand, and the ATUF, on the other, it should be noted that the latter is exclusively responsible for collective bargaining and wage policy issues. The leaderships of both institutions are elected democratically.

AUSTRIA

The ATUF is a member of the International Confederation of Free Trade Unions, and also provides the worker delegate for Austria's delegation to the International Labor Organization.

Austria has no export processing zones; labor law and practice are uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Austria.

d. Minimum Age for Employment of Children

The minimum legal working age in Austria is 15. The law is effectively enforced.

e. Acceptable Conditions of Work

There is no national minimum wage in Austria, but a worker whose annual income falls below the official poverty line (approximately $5,386 at the current exchange rate) is eligible to receive social welfare benefits. It should also be noted that, typically, nationwide collective bargaining agreements set minimum wage rates by job classification for each industry. The average Austrian has a high standard of living by international comparison, and most of the least well-paid workers still enjoy a decent minimum standard.

Although the legal workweek has been established at 40 hours since 1975, more than 50 percent of the labor force enjoys collective bargaining agreements setting a maximum workweek of 38 or 38.5 hours. Legislation under which a labor inspectorate attached to the Ministry of Justice conducts inspections of occupational health and safety conditions ensures the effective protection of workers in these areas.

BELGIUM

Belgium is a parliamentary democracy under a constitutional monarch. In practice, the Council of Ministers (Cabinet), led by the Prime Minister, is responsible for government decisions. The Cabinet holds office as long as it retains the confidence of Parliament, which includes 11 political parties, generally split along linguistic and ideological lines. All governments since World War II have been coalitions of Christian Democrats and Socialists, or Christian Democrats and Liberals, with occasional participation by regional parties.

Domestic security in Belgium is primarily the responsibility of the national paramilitary Gendarmerie, the judicial police, and a host of municipal police forces. The armed forces have no role in domestic law enforcement.

The series of terrorist attacks and bombings by the Belgian Communist Combat Cells (C.C.C.) that plagued Belgium in 1984 and 1985 ended with the arrest of the C.C.C.'s reputed leaders in early 1986. On September 26, 1988 the C.C.C. members appeared in Belgian court to answer charges for 25 terrorist attacks in which 2 people were killed and 28 injured. They were found guilty and sentenced to prison.

Respect for human rights is provided for in the Constitution and laws and is observed in practice. Belgium continues to contend with the social, economic, and racial pressures linked to the presence of a largely Turkish and North African immigrant population.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Neither the authorities nor officially sanctioned groups engage in killing for political motives. A British noncommissioned officer was killed in Ostend in August, reportedly by Provisional Irish Republican Army gunmen. The perpetrators have not been caught.

b. Disappearance

Abductions, secret arrests, or clandestine detentions did not occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code prohibits deliberate mistreatment or injury of another by public officials and private individuals. Belgian authorities vigorously investigate any charges of police brutality and take disciplinary action against the perpetrators.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is ensured by law. Arrested persons must be brought before a judge within 24 hours or released. Belgian law provides for pretrial confinement only when a person is apprehended in the commission of a criminal act, there is a risk that the suspect

will prove a danger to the community or will flee the jurisdiction, or the case involves one of a number of serious offenses specified by law. The premise for such confinement is subject to monthly review by a panel of judges.

In practice, there has been concern among local human rights groups and parliamentarians that pretrial detention is sometimes abused. The Government has announced draft legislation to limit pretrial detention and increase the possibilities of bail. This legislation was submitted to the Parliament in late 1987 and is still under consideration.

Exile is not permitted by law. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A fair public trial, including the right to counsel, is assured by law and honored in practice. A suspect is charged, if the evidence so warrants, when the preliminary judicial investigatory phase is completed. Charges are clearly and formally stated. No one is imprisoned because of political beliefs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from arbitrary interference with privacy by the State is specified by law and respected in practice. The Constitution specifically provides for the inviolability of the home, except in cases laid down and regulated by law. The law forbids searches of private homes at night, except in special circumstances. Warrants issued by a judge are required unless the inhabitants of the domicile agree to the search. The Penal Code provides penalties for all violations of the home by officials as well as by private persons. Monitoring of telephones and interference with mail also are strictly prohibited. The bill introduced in 1987 to allow law enforcement agencies to use court-approved wiretaps under certain circumstances lapsed when the previous government fell, and it was not reintroduced.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are assured by law and respected in practice. Varying political, religious, philosophical, and artistic views are permitted free public expression, and there is no political censorship of the media. There are, however, prohibitions on publications and productions deemed to undermine "public order" (e.g., explicit pornography and incitement to violence). There are laws against libel, provisions for a citizen's right of reply to media criticism, and restrictions on criticism of government policies by civil servants.

Belgium has state-owned radio and television networks, but there is no direct government control of program content. Programs are supervised by boards of directors which represent the main political, linguistic, and opinion groups. The Government has a representative on the boards but no veto power.

Private radio stations, legalized in 1985, operate with government licenses. Private television was legalized in 1987 legislation, and already exists in the Francophone community of Belgium. Private television in the Flemish community is planned for 1989. Most urban homes have access by cable to television from other European countries.

b. Freedom of Peaceful Assembly and Association

Political, civic, religious, artistic, social, and other special interest groups are permitted free public assembly, subject to regulations concerning public order. Groups protesting government policies or actions are free from harassment and persecution, although permits are required for open-air assemblies. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Belgium has a long tradition of religious tolerance. The Christian, Jewish, and Muslim religions are accorded a "recognized" status in law, which includes a government subsidy. Minority "non-recognized" religions enjoy full freedom to practice and are not subject to harassment or persecution. Those claiming "no religious preference" have demanded official status and subsidies, which the Government plans to grant through legislation.

In 1988 the Government reduced the length of time conscientious objectors were required to perform community service in lieu of military service. However, this period remains longer than the time served by military draftees.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Belgian citizens enjoy freedom of travel within the country and internationally, including the right of voluntary repatriation.

A law took effect in May 1985 that gave municipalities in the greater Brussels region the right to refuse to register new foreigners--defined as citizens of non-European Community countries--as residents. Such registration is required of all persons residing in Belgium, with some exceptions. Six municipalities took advantage of the new law, which in effect limits the freedom of foreigners to decide where they wish to reside in Belgium.

In the past Belgium has welcomed refugees and granted political asylum to applicants of many nationalities and races. In 1987, however, Belgium modified its asylum policy. Previously, anyone claiming to be a political refugee was allowed in the country to pursue his or her claim with the United Nations High Commissioner for Refugees (UNHCR), which adjudicated all such requests for the Government of Belgium. The process often took more than a year, during which time the asylum seeker was able to remain in Belgium and receive all Belgian social benefits. In 1987, 6,352 people took advantage of this system, of whom 2,733 ultimately received refugee status.

A new asylum law, which went into effect in 1988, transferred the power of adjudication from the UNHCR to a government commission. The new law allows border police to refuse at the port of entry asylum seekers who use false documents or make clearly fraudulent applications, and provides for fining

carriers who transport improperly documented aliens. For the first 8 months of 1988, the number of asylum seekers dropped to 2,906 and the authorities believe that at the end of the year the total number will be about 20 percent under that of 1987.

The immigration issue was raised during the 1987 parliamentary elections and the 1988 municipal campaigns. Small rightwing parties, including the Flemish Bloc, advocated the repatriation of immigrants, but this position received no support from the major parties. A proposal by the Ecologist parties to extend voting rights to immigrants also was rejected by the major parties.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Participation in the political system is open to all citizens. Direct popular elections for parliamentary seats (excluding 77 of the 183 Senate seats apportioned by other means) are held at least every 4 years under a system of universal, secret, and compulsory suffrage for all adults (age 18 and over). Unweighted voting (one person/one vote) has been in effect since 1919 for men, and since 1949 for women. Under law and practice, opposition parties are free to operate without constraints or repression.

The problems of Dutch- and French-speaking regions pose significant challenges for the State. All major institutions, including political parties, are divided along linguistic lines. There are special provisions for Dutch-, French-, and German-speaking councils at the regional level. Regional and linguistic needs are taken into account in national political and economic decisions.

The case involving the refusal of the elected mayor of a mainly French-speaking town to use its official language (Dutch) has deeply divided Belgium's two communities over the last 2 years. The situation resulted in the fall of the Government in October 1987. New elections were held in December of that year, and a new coalition government was finally installed in May 1988. The linguistic issue continues to be one of Belgium's major sociopolitical problems, causing recurring discord between the Dutch- and French-speaking communities.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No requests have been made for outside investigation of the human rights situation in Belgium. There are several active independent human rights groups, and they consider the Government open to discussion of any human rights question. The Government has been active in the United Nations and other international forums in promoting human rights. The Belgian delegate to the U.N. Human Rights Commission is a candidate for the presidency of the Commission in 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Belgium is a culturally vibrant, pluralistic society in which individual differences are respected and linguistic rights are protected. Some 57 percent of Belgians are native Dutch

speakers living primarily in the northern provinces that constitute Flanders. The 42 percent of French speakers live mostly in the capital, Brussels, and the southern provinces called Wallonia. The small minority of German speakers lives along the eastern border. Language differences have been the subject of hundreds of laws over the last century, leading to a fairly rigid structure designed to protect each language group from cultural, economic, or political dominance by the others.

Food, shelter, health care, and education are available to all residents regardless of race, sex, religion, language, social status, or ethnic background. Some 25 percent of the residents of Brussels, the nation's largest city, are foreigners. Many of these are North African and Turkish immigrants. The immigrant population--generally poorer, less skilled, and less educated than average--is increasingly the focus of public debate concerning how to encourage greater assimilation into Belgian society. During the last two political campaigns in Belgium, charges of racism have been leveled at some minor parties because of their anti-immigrant positions.

Belgium is a leading advocate of women's rights both within the country and in international meetings on the subject. A number of commissions have been established to ensure that women's rights are protected and particularly to oversee women's education and working conditions. Women's average wage rates in nonagricultural employment in 1986 amounted to 74.3 percent of those of men. Several women serve as national secretaries of Belgium's two largest labor confederations. Women are represented in business and in political life. There are 32 female members of Parliament out of 395 members. Within the Parliament, all female members form a committee which advises the Government on women's issues. Five women hold Cabinet posts in the current Government. To show the importance attached to promoting women's rights internationally, a consultative commission for the condition of women has been made part of the Ministry of Foreign Affairs. This commission advises the Government on international women's issues.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to strike. With 75 percent of its labor force organized, Belgium is one of the most unionized countries in the world and has a long tradition of democratic trade union elections. Labor unions striking or protesting government policies or actions are free from harassment and persecution, although permits are required for open-air assemblies.

Labor unions are strong and independent of the Government but have important informal links with and influence on many of the major political parties. Unions in Belgium are affiliated with the major international bodies representing labor, such as the International Confederation of Free Trade Unions and the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is recognized and exercised freely, although government austerity measures sometimes limit or alter the results of collective bargaining.

BELGIUM

Labor legislation and practice are uniform throughout Belgium. The right to due process and judicial review are guaranteed for all protected activity. In the first instance, the Labor Court reviews matters relating to collective bargaining. Parties then have the right of judicial review by the regular courts. Effective mechanisms exist for adjudicating disputes between labor and management.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by law and does not occur in Belgium.

d. Minimum Age for Employment of Children

The minimum age for employment of children is 16; children may work and study part time from age 16 to 18. The Belgian Labor Court monitors compliance with national laws and standards.

e. Acceptable Conditions of Work

Belgian working hours, mandated both by law and through collective bargaining agreements, are among the shortest in Europe, averaging about 38 hours a week. There are generous provisions for minimum wage, currently at $873 a month for full-time workers over the age of 21. This provides a decent standard of living for minimum wage workers. Generous vacation and unemployment benefits are also guaranteed. Adequate health and safety legislation exists, supplemented by collective bargaining agreements. Health and safety committees are mandated by law in companies with more than 50 employees. Belgium continues to suffer from a large budget deficit, slow economic growth, and high unemployment, currently at 11 percent. Governmental policies to promote employment and an extensive system of unemployment compensation and other social benefits have served to minimize serious individual financial hardship.

BULGARIA

Bulgaria is a centralized Marxist-Leninist state in which the Bulgarian Communist Party, dominated since 1954 by Todor Zhivkov, holds a monopoly of power and exercises pervasive control over political, economic, social, and cultural activities. A small second party, totally subservient to the Communist party, is represented in the Government and National Assembly; no other political parties are tolerated.

An omnipresent network of state security police and militia (uniformed national police) deters or suppresses open expressions of opposition to the regime or its policies. Military border guards and "internal troops" augment internal control.

All production and commercial facilities, except for small private agricultural plots and small-scale businesses that can be operated by an individual, family, or a cooperative without hired labor, are owned by the State. The party-controlled trade unions are used as a vehicle for mobilizing the work force to achieve the regime's goals.

The human rights situation in Bulgaria in 1988 improved marginally in some areas, deteriorated in others, and continued to be characterized by harsh repression. The Bulgarian Constitution specifies the "right to work" but identifies such basic human rights as freedoms of speech, press, assembly, and religion, as rights "enjoyed" by the citizenry due to "guaranteed" material conditions under the Socialist system. Any exercise of these freedoms in a manner the Communist Party deems unacceptable is prohibited and punished.

The limited relaxation of media control seen in 1987 was curtailed in 1988. Promised liberalization of passport laws did not materialize, although the number of Bulgarians allowed to travel to the West continued to increase. The small number of unresolved family reunification cases was also further reduced. The Government refused, however, to recognize the country's first independent human rights organization, founded in January, and harassed, jailed, and sent its members into internal and external exile.

The Government denies the existence of the Turkish minority, which comprises 10 percent of the population, and seeks to eradicate its cultural identity. Beginning in 1984, the Government has compelled members of the minority to change their Turkish given and family names to Bulgarian names, banned the use of the Turkish language in any public place including mosques, and banned the traditional forms of dress and some religious practices, such as circumcision. It closed many mosques and abolished separate Muslim cemeteries. It has forbidden the importation of Korans and the singing and playing of Turkish songs even at weddings. It continued in 1988 the forcible resettlement of ethnic Turkish families and communities in order to disperse them throughout Bulgaria. However, systematic job discrimination against ethnic Turks cannot be substantiated.

BULGARIA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killings in 1988.

b. Disappearance

There were no reported cases of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Credible reports detail hunger, beatings, and degrading treatment of prisoners in Bulgaria. Torture does not seem to be practiced systematically, although according to a 1988 letter from human rights activist Tseko Tsekov, published by Helsinki Watch, the dentist in Stara Zagora prison is known as "the mechanic" and reportedly removed healthy teeth from political prisoners in 1985. That same letter catalogued a variety of prison abuses witnessed by Tsekov during his imprisonment from 1984-85. Although political prisoners are in a separate wing in Stara Zagora, elsewhere they are quartered with common criminals, drug addicts, and others at whose hands they suffer abuse. In April 1985, Tsekov and another prisoner shared a cell with the mentally ill. When he was initially arrested in 1984, Tsekov was placed in section seven of Sofia Central Prison, where criminals condemned to death are held. In 1985, while doing prison work, he was attacked by another prisoner with a knife.

Brutal beatings by guards are apparently frequent. Tsekov was denied medical treatment, refused fresh water, and kept in extreme darkness or light. Prisoners are exposed to the elements throughout the year; they are denied water during the summer heat and kept in unheated prison cells with no glass in the windows during the winter. Outdoor exercise is minimal. Other well-informed sources also reported frequent beatings and hunger in prison. Some prisoners are apparently kept in solitary confinement for long stretches of time. Grigor Simon Bozhilov, one of the signatories of an "appeal" to the Conference on Security and Cooperation in Europe meeting in Vienna in early 1987, who was sent into internal exile, became ill from the beatings and the cold.

d. Arbitrary Arrest, Detention, or Exile

Bulgarian citizens may be detained, tried, and punished for many actions which elsewhere are considered political, not criminal, in nature. Police interrogation, detention, and even arrest may result from unauthorized demonstrations, public criticism of the Government, or the mere act of entering or approaching a Western embassy.

The principle of judicial determination of the legality of a person's detention exists in Bulgarian law, but it does not provide effective relief against state action. The judiciary is not independent of executive power, nor is it able to provide any effective check on executive actions. Although preliminary detention is limited theoretically to 10 days, and then only when the evidence appears sufficient to justify an

indictment, several cases are known of persons subjected to longer detention without charges being filed. Following arraignment, Bulgarian law permits detention for up to 6 months before indictment. Under the criminal code, the accused must be informed of the charges, but sometimes this requirement is not observed. Credible sources indicate that a number of human rights activists were detained in 1988 following a visit to an interned colleague.

Persons may also be subject to a system of administrative control short of imprisonment, by which they are detained at their place of residence and required to appear frequently at the local police station. Article 39 of the Statutes of the People's Militia, under which a number of human rights activists are interned, authorizes the militia to place under administrative control or house arrest not only those who have engaged in criminal activities, but also those who have protested "against organs of power" or shown "antisocial manifestations." Reports indicate that activist Ilya Minev, under such "administrative detention" in his village of Septemvri, was required to report to the local militia three times a day. In September he was reportedly placed under house arrest.

Another form of punishment and control is forced change of domicile or internal exile. A person's right to remain in his place of residence may be revoked, and he may be required to move far from family and familiar surroundings. Should exiles or persons under such administrative controls leave despite these prohibitions, they face possible imprisonment. Eduard Genov, arrested on April 6, was exiled to the remote village of Mikhalkovo for 2 years following his role in the formation of an independent human rights organization. In October, Genov and his family were expelled from Bulgaria.

It is not possible to estimate reliably the number of persons subject to arbitrary arrests, other forms of detention, or summary exile in 1988. The exact number of Turkish detainees who may still be incarcerated or in internal exile as a result of the 1984-85 assimilation campaign is unknown. However, credible reports, including those documented by Amnesty International (AI) and Helsinki Watch, indicate that many ethnic Turks are still imprisoned or exiled.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Bulgarian law and general practice provide for public trial in criminal cases. Defendants are entitled to legal counsel, but only after preliminary investigations and indictment, a process that can last many weeks. When defense attorneys are provided, they often cooperate with the prosecution. In 1988 authorities hampered a Bulgarian lawyer's efforts to get reinstated, following his disbarment for overly energetic defense of a client prosecuted for political reasons. Some defense attorneys enjoy reputations for courage and honesty, despite pressures from the security apparatus.

Special court procedures apply in cases involving state security. Trials in such cases, and in others with political implications, are not public. The number of such trials is not known. Taking into account also those captured while trying to escape across the country's borders and ethnic Turks detained during and since the name-change campaign, the number

of political prisoners is estimated at several thousand. Reports indicate that political prisoners sentenced under the first chapter of the penal code are imprisoned in Stara Zagora, which has a special "political" wing. Tseko Tsekov reported meeting 136 such prisoners there during 1985. Others, sentenced under the eighth chapter of the penal code for ostensible "administrative" offenses, are sent to the other 12 prisons in the country. Their number is unknown.

The judicial system generally seeks to maintain a semblance of observing legal norms, but the courts sometimes apply statutes retroactively or extend them to cases of dubious applicability. The penal laws are codified, published, and readily available for reference, but numerous procedural and administrative regulations are not. Such regulations are frequently invoked in judicial proceedings, and the defendant has little opportunity to question the validity or applicability of the regulation in question.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government and Communist Party interfere with and regulate the private lives of citizens in many ways. The Constitution charges parents with the "obligation" of attending to their children's Communist education. Reliable sources indicate that in Kurdzali Turkish children aged 3 to 6 are required to live in nursery schools during the week and go home only on weekends in an effort to "Bulgarianize" them. The Islamic rite of male circumcision is effectively banned. There are strong pressures on all citizens to become members of and pay dues to the mass organizations; the extremely small percentage who refuse generally come under official scrutiny and are denied advancement at work and other benefits. Children and young adults belong to the Pioneers and Komsomol, respectively, while their elders belong to the Fatherland Front, and, in the case of the elite, the Bulgarian Communist Party.

The Party and the security apparatus direct an elaborate system of informers which is present in virtually all workplaces, residential areas, and social organizations to monitor the daily lives of Bulgarians for signs of dissent. A newspaper article in February 1987 noted the formation of "voluntary" detachments at tourist complexes to monitor, in conjunction with officers of the Ministry of Internal Affairs, "unsuitable acts" and "ideological sabotage" by Western tourists. Citizen volunteers assist the uniformed border guards. The security forces are presumed to monitor the movements of those suspected of unacceptable behavior. Eduard Genov's wife was reportedly followed, prior to their exile, as were those who contacted her.

Sanctity of the home is nominally safeguarded by law, and police may not legally search property without prior permission from a court or prosecutor. However, searches may be undertaken in urgent situations before judicial permission is given. The authorities are required to issue an itemized receipt for property confiscated during a search. A number of dissidents were reportedly stopped by the militia in September following a visit to a colleague; the car they were riding in was searched, and they were stripped. No search warrant was provided, although the police did issue a receipt for all of the items removed from the vehicle and its passengers.

BULGARIA

The Government discourages private contacts with persons and organizations in the West. The wife of one human rights activist was reportedly stopped and questioned by militia when she tried to approach the U.S. Embassy in 1988. Several other Bulgarians privately indicated that they, too, feared to go to a Western embassy. The militia outside the U.S. Embassy stepped up their vigilance in 1988, stopping many Bulgarian citizens and even attempting to stop other Western diplomats and Embassy officers whom they did not immediately recognize. Despite Embassy protests, this practice has continued.

In December, Bulgaria stopped jamming Radio Free Europe broadcasts. The British Broadcasting Corporation's World Service and Voice of America broadcasts are also heard without interference.

Availability of Western publications is tightly controlled; only Western Communist Party newspapers, such as L'Unita and The Morning Star, are regularly sold at newstands. Reports indicate that during 1988 security forces even attempted to buy up copies of the Soviet Union's Pravda because of articles espousing and explaining the Soviet policy of glasnost (openness).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and press, other laws provide severe punishment for anyone convicted of criticizing the State or spreading "untruthful remarks which might increase distrust of state power or cause confusion in society." In practice, the voicing of any belief or conviction which is contrary to official policy may be punished. Orhan Turanov, an ethnic Turk, was reportedly arrested and sentenced to lengthy imprisonment in 1987 for public praise of Turkey. Unauthorized disclosure of information, such as unpublished economic statistics, is illegal and subject to serious penalties.

The regime totally controls Bulgaria's press, radio, and television, all of which are state owned. Although censorship officially does not exist, the media, as well as writers, artists, and those in academic life, operate within implicit party and government guidelines and practices. International news coverage is usually limited to that provided by the government news agency or official Soviet sources, although carefully selected articles from the Western press are sometimes published in translation.

Forbidden topics in the Bulgarian press typically include unauthorized criticism of party and state leaders, of Communist ideology, and of other Communist countries, particularly the U.S.S.R. Ordinary citizens send criticism, suggestions, and complaints by letter to newspapers, as well as to National Assembly deputies, on a broad range of topics such as inadequate service by public agencies and housing shortages. Authorized criticism rarely, if ever, extends beyond specific shortcomings or failures of lower-level administrative officials.

The range of tolerated opinion narrowed in 1988, despite party leader Todor Zhivkov's call for the "abolition of the anonymous nature of criticism." The editors-in-chief of Trud, Literaturen Front, and Narodna Kultura, three newspapers most

inclined to devote even minimal attention to glasnost, were replaced in 1988 following the publication of relatively adventuresome articles on environmental pollution, alleged corruption in a provincial town, the need to reexamine history, the role of censorship, and the errors of Stalinist thought. The journalist responsible for the articles on corruption was expelled from the party. A journalist who wrote an article in 1987 exposing corruption in a provincial medical clinic was dismissed from her job, judged "mentally incompetent and dangerous to society," and threatened with forced incarceration in a psychiatric hospital. In a report to the Politburo published on April 1, Zhivkov criticized the appearance, in "certain newspapers and magazines," of "articles which evoke a negative attitude toward definite values and ideals of socialism."

Instances of glasnost in 1988, however, did appear. There was prompt and open official reporting on accidents such as plane and train crashes, as well as some public "scandals." The revocation of Olympic gold medals for two Bulgarian weightlifters due to the use of diuretics was reported immediately and factually. In July journalist Baruch Shamliev wrote an article calling for the opening of "forbidden zones" in statistical and historical data for journalists, scholars, and even ordinary citizens and was not officially criticized.

In addition to party control of the media, the severe penalties for speaking out on forbidden topics has given rise to widespread self-censorship. Annual congresses of the official Writers Union adopt acceptable themes for authors, and those not following directives are unlikely to see their work published. Academic journals do not challenge regime policies. Dissatisfied intellectuals reportedly founded a group in late 1988, however, calling for increased glasnost and more rapid restructuring.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is a right granted only to legally constituted organizations, and only for approved purposes. Attendance at public demonstrations of support for the Government or party is a duty assigned by schools and enterprises to their members.

The Constitution provides for freedom of association and demonstration, but in practice the party decides which social and political organizations may exist. Todor Zhivkov, in his 1988 Politburo report, declared "voluntary associations" acceptable only "within the self-governing social communities" or "the framework of the mass sociopolitical organizations." Lawyers, doctors, artists, musicians, writers, and academics belong to professional associations which have the party-assigned function of controlling their memberships.

The law provides punishment for anyone "founding an illegal, antistate organization." A number of citizens attempted to form an "independent" committee in Ruse early in 1988 to express concern about pollution problems. One of the participants, Svetlin Rusev, was subsequently removed as head of the National Art Gallery and lost his seat on the Central Committee.

In January, the signers of a 1987 appeal to the CSCE in Vienna founded Bulgaria's first human rights organization, the Independent Society for the Protection of Human Rights. In

accordance with the Constitution, the group sent a copy of a protocol and a petition to the State Council and the Ministry of Justice requesting official registration and recognition. The Government refused officially to recognize or register the group, rendering all of its actions illegal.

State security forces reportedly detained human rights activists and workers attempting to meet in Oborishte in September. On December 10, approximately 12 members of the Independent Society for the Protection of Human Rights in Bulgaria were prevented from traveling to Septemvri to sign a declaration marking International Human Rights Day. Noting that only "Socialist pluralism" was a legitimate basis of association, Todor Zhivkov declared, in his Politburo report, "we will not tolerate anarchy."

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although the Constitution provides for freedom of worship, the authorities espouse atheism and discourage religion. Openly expressed religious conviction is incompatible with party membership or attainment of responsible government or other positions. Policy directives adopted at the Thirteenth Bulgarian Communist Party Congress in April 1986 called for increased "ideological work against religious anachronisms" and broader acceptance of "the Socialist festive and ritual system." Church-state relations are regulated by the Committee for Questions of the Bulgarian Orthodox Church and Religious Cults, which is a division of the Ministry of Foreign Affairs. It reviews all clerical appointments and in the past has occasionally imposed clergy on local congregations over the opposition of the parishioners.

The regime shows limited religious tolerance in its attitude towards Orthodox Christians and mainline Protestants. The authorities generally do not interfere with older worshipers attending services, but they sometimes try to dissuade young people from entering churches. There is a seminary for Orthodox priests. Announcements of church events are posted outside churches. No religious groups may engage in open proselytizing, and foreign missionary activity is banned. Religious education of children is prohibited.

A Bulgarian-language Bible, only 2,000 copies of which were published in 1982 and distributed domestically, is now out of print, and no Bibles may be imported. Customs officials are assiduous in their efforts to discover and confiscate religious materials contained in the luggage or vehicles of arriving visitors. The Orthodox Church is allowed to print a newspaper, however, as well as distill and market some alcoholic beverages and sell some religious articles, such as candles and small jewelry crosses.

A number of faiths are recognized or tolerated. The Bulgarian Orthodox Church, which was the established church before the Communists took power, is the largest, with a reported following of 6 million nominal adherents out of a population of 9 million. Functioning as a quasi-official church, it receives government financial support and echoes government propaganda on such themes as peace and disarmament. Attendance at Easter services in Sofia's Aleksandur Nevsky Cathedral is restricted to those granted special

"invitations," and police barricades keep all others at least a block from the church. Nevertheless, Easter attendance at other churches in Sofia and in the provinces was massive in 1988, as in previous years, despite the presence of large numbers of uniformed police.

The approximately 60,000 Roman Catholics are divided between followers of the Latin and Uniate rites. Priests of both attended the installation, following a long vacancy, of the new Bishop of Plovdiv in July. At age 38, Georgi Ivanov Yovchev was appointed Apostolic Administrator in a service attended by a standing-room only crowd of worshipers of all ages. Bulgaria reportedly has only 32 Catholic priests now, as opposed to about 200 when the Communists took power.

There are a number of Protestant churches with small congregations (e.g., Evangelical, Baptist, Methodist, Seventh-Day Adventist) in Bulgaria. The Ba'hai faith and the Dunovist Sect, an indigenous movement which flourished in pre-Communist Bulgaria, are outlawed, however.

Although Pavel Ignatov, leader of a small Protestant congregation, was freed from internal exile in the summer of 1987, authorities have still not granted his congregation recognition as a legitimate church. Reports indicate that Ignatov's followers have been dismissed from work because of their religious convictions; the group has not been allocated a hall as an official meeting place.

Ethnic Turks comprise the majority of Bulgaria's Muslims, the remainder being Slavic Pomaks and Gypsies. Increased measures to discourage Islamic practices have figured prominently in the Government's campaign to eradicate the cultural identity of the Turkish community in Bulgaria. Muslim believers have been inhibited in the practice of their religion by the closure of many mosques and by prohibitions against the religious education of children. Although Sofia's Mosque is slowly being renovated, many other mosques in areas with large Turkish populations have fallen into disrepair or have been converted to other uses or closed. The renovation of the architecturally notable Razgrad Mosque has been delayed indefinitely, despite its designation as a "monument of culture," following the reported discovery of Byzantine ruins at the site.

Copies of the Koran may not be imported and are not generally available to Muslims in Bulgaria. Religious practices such as male circumcision have been banned since 1985; parents and others participating in circumcisions are subject to fine or imprisonment. The observance of Muslim holidays is discouraged. Many Muslim graveyards have been obliterated, and Muslim burial procedures are not permitted. All sermons must be delivered in the Bulgarian language.

Muslim clergymen have been trained in a 6-month course with substantial political content offered in Sofia since 1986, rather than the standard years-long training elsewhere. The new Mufti of Shumen, reportedly a government supporter, graduated from that course. The Bulgarian Government, following years of refusal, allowed six Bulgarian students studying at the Higher Islamic Institute in Tashkent to make the hajj (pilgrimage to Mecca) in 1988.

The Jewish minority numbers between 3,000 to 5,000 people. Historically, Jews in Bulgaria have not suffered religious

persecution. Visits between the Bulgarian Jewish community and Israeli Jews of Bulgarian origin are frequent, although subject to government control. Sofia's Sephardic synagogue has been promised government funds for refurbishment as a cultural monument, but no progress in that project has been made, and religious services continue to be held in a small anteroom. The anteroom is sufficient to accommodate the small number of Jews attending regular weekly services, although it is overcrowded on high holy days. The synagogue's Bulgarian-Hebrew prayer books date from 1942-1946, but the community received a shipment of Hebrew prayer books in 1988. The cantor of Sofia's synagogue went to New York for several months of cantorial clerical training. No kosher meat is available, but Jews are permitted to bake and distribute matzoh without hindrance. A Jewish social, cultural, and educational organization exists, but it is atheistic and political in orientation. It publishes a secular newspaper stressing Communist, anti-Zionist themes. This organization cosponsored a 2-day symposium in November on the protection of Bulgarian Jews during World War II.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government controls where Bulgarians live, work, and travel. Citizens are required at all times to carry with them personal identity cards stating their legal place of residence and work. Without this card they cannot register at a hotel, purchase domestic airline tickets, or seek any kind of social service such as medical assistance. Use of domestic airline service is also subject to "passport control" at air terminals. Changing one's place of residence or work is a complicated process unless it is at the Government's initiative or convenience. Moves to Sofia and other major cities from smaller settlements are especially difficult because of the authorities' desire to control urban growth.

Bulgarians may travel within the country without restriction except in border zones, which are particularly sensitive where the country adjoins Greece and Turkey. The borders are heavily patroled by armed guards and citizen volunteers. Newspaper articles in August and September noted the report by an informer of an attempt by two young people to flee the country, and the capture of two other border "violators." The articles praised both the informers and the arresting citizens and officers.

In August, the Government announced a 75 percent reduction in the permanently restricted area, encompassing regions that foreigners could not visit. Although some of the newly opened areas include those with large Turkish populations, a significant area along the Turkish, and part of the Greek, border remains closed. Yablonovo, reportedly the site of violent clashes between security forces and ethnic Turks during the 1984-85 name change campaign, was sporadically closed to diplomatic travel during 1988. In the past, even when officially open to diplomatic travel, foreigners attempting to visit were turned away by the militia.

A Bulgarian citizen needs a passport for external travel and an exit visa specifying the destination for each trip. If a Bulgarian visits a country not specified in the exit visa or is delayed in returning to Bulgaria beyond the stipulated period, legal penalties may be imposed. Exit visas may be refused for a variety of reasons, e.g., political

unreliability, or for no reason. When a Bulgarian is successful in obtaining an exit visa, a spouse or minor child is almost invariably required to remain in Bulgaria to ensure the traveler's return. Although liberalization in passport and travel regulations proposed in April have not been enacted, there was a substantial increase in the number of Bulgarians allowed to travel to the West in 1988.

In principle, emigration is possible under Bulgarian law, but no right of emigration is recognized in practice. The Government in 1988 substantially reduced the number of unsettled divided family cases involving the United States and Western Europe. Bulgarian authorities also allowed a dissident family, the Statevs, to emigrate to the United States in 1988 but continued to refuse others. Helsinki Watch protested to Todor Zhivkov the cases of Ivan Penkov Kutrovsky, a human rights activist, and Asen Filipov Stoyanov, an ethnic Turk. Both men went on hunger strikes in 1988, seeking permission to emigrate from Bulgaria; both have been imprisoned. Kutrovsky was reportedly allowed to emigrate to the West in late 1988. Other human rights activists who had applied for permission to emigrate were issued passports in 1988; some observers believe the circumstances of their departures approached expulsions. Grigor Simov Bozhilov was reportedly released from internal exile in the village of Kaynardzha and issued a passport. He was apparently denied entrance to a Western country due to lack of funds, however, and returned to Bulgaria.

Emigration to Turkey by ethnic Turks has been prohibited since 1985, despite large numbers of people who reportedly wish to leave. In April, as reported by Helsinki Watch, ethnic Turk Urkiye Ademova Huseyinova and her son were allowed to emigrate to the United States to join other family members. Although 48 Turkish children were allowed to join their families in Turkey in the 6 months--October 1987 to April 1988--prior to the Belgrade Protocol, only two children were allowed to emigrate in the subsequent 6 months from April to October 1988. However, the family of Olympic weightlifter Naim Suleymanoglu was permitted to emigrate to Turkey in October.

The Government encourages the repatriation of ethnic Bulgarians residing abroad, although the right of repatriation is not guaranteed. A number of Bulgarian-born foreign residents and citizens return voluntarily to Bulgaria each year to live in retirement. There was a marked trend in that direction in 1988 among Bulgarian-born Jews returning from Israel. Those who left without permission or who stayed abroad without authorization may be accepted for residence under an "amnesty" program, but the conditions of this program appear designed to ensure that those participating in it will be accorded only the status of Bulgarian citizens, without regard for rights they may have acquired abroad as citizens of other countries.

It is Bulgarian policy to return to their home countries potential refugees from other Warsaw Pact states who try to cross the Bulgarian border into Turkey, Yugoslavia, or Greece. In September, 13 Magyar Romanians refused to leave the Hungarian Embassy in Sofia unless they were allowed to go to Hungary. The Bulgarian Government sided with the Romanian demand that they return to Romania. This situation remained unresolved at year's end.

BULGARIA

The Government continued the forcible resettlement in 1988 of ethnic Turks from their local villages to areas with small Turkish populations. Reports indicated that many Turks were resettled in the Vratsa, Mikhailovgrad, and Vidin areas. Turks from Kurdzhali, an area in southeastern Bulgaria with a more than 75 percent ethnic Turkish population, were reportedly moved to Butan, in the Danubian Region. According to some reports, the Government further "encourages" resettlement by forcing people from their jobs, or offering them jobs with only minimal wages, so that they must move elsewhere to seek work. The number of people relocated thus far cannot be accurately estimated; there have also been reports, which cannot be verified, that a plan to relocate as many as 40,000 Turks from Kurdzhali may be under consideration.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change government leadership or the system of government. The Constitution declares that "organizations directed against the Socialist system of the People's Republic of Bulgaria...are prohibited." The Bulgarian Communist Party leadership, headed since 1954 by Todor Zhivkov, governs Bulgaria. Nonparty members are effectively denied any role in the formation of regime policy, and even rank-and-file party members have little influence over party policies.

The regime tries to maintain the appearance of pluralism through the participation of a second "political party," the Bulgarian National Agrarian Union, in the Government and the National Assembly. However, the Agrarian Party professes no differences of view on any issue with the Communist Party. Officials maintain there is a "national consensus" on government policies and slight differences of opinion only on the best means of implementing those policies. Persons identified as nonparty (i.e., "independent") also hold responsible government positions or National Assembly seats, but they are not known to profess views contrary to Communist party policies. The Communist and Agrarian Parties, together with labor, youth, and other groups, comprise a mass organization known as the Fatherland Front, which is wholly controlled by the Communist Party. Political pluralism and free participation in the political process do not exist. A group of approximately 50 dissidents reportedly founded in 1988, without official permission, a political party called "The Green Mass", which plans a party conference for April 1989.

The Fatherland Front has been the only organization permitted to present candidates for election. Following constitutional changes in 1987, so-called multicandidate elections were held on the local level in February. Less than 20 percent of these elections involved more than one candidate; all candidates were prescreened by election commissions and all supported the Communist Party.

Women continue to be underrepresented in policymaking positions within the party and government, although they are legally assured equal rights with men.

BULGARIA

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government regards any criticism of its human rights record as inadmissible and part of an "anti-Bulgarian campaign," and it denounced an April 1986 AI report on Bulgaria's Turkish minority in those terms. Government media have published numerous articles purporting to show that some of the Bulgarian Turks that AI reported killed while resisting the name change campaign are still alive and well.

Members of the Islamic Conference Organization visited Bulgaria in 1987 (received by the Government in their "individual capacities") and toured Muslim areas of the country. Their report, issued in May 1988, was cited in the resolutions of the organization at the same time. The resolutions were critical of the Bulgarian Government's repressive policies toward the "Bulgarian Muslims." The Government's response did not substantively address the abuses cited.

Bulgaria's first human rights group, the Independent Society for the Protection of Human Rights in Bulgaria, was formed in 1988. The group, which has a reported membership of about 150 people, was denied official registration or recognition as a legitimate entity. Its leaders, including Chairman Ilya Stoyanov Minev, Secretary Tseko Tsekov, and spokesman Eduard Genov, were subject to official harassment, imprisonment, and internal exile. Subsequently, Genov and his family were expelled from the country and resettled in the United States. Tsekov was issued a passport and is currently in Vienna. Bozhidar and Minka Statev, members until their emigration to the United States, are now the group's foreign representatives. Dissident activists were prevented from meeting with foreign government officials in October.

With the declared aim of assisting the Bulgarian Government in its professed desire to broaden democracy and human rights in Bulgaria, the society issued documents in support of the Charter 77 initiative in Czechoslovakia, calling for the release of human rights activists from prison and exile, and proposing changes in the Constitution and criminal code.

The Government, refusing to recognize the existence of the unofficial group, announced the formation of a Human Rights Committee in June. The Government officially registered this supposedly independent group, composed of approximately 50 public figures. In their only action to date, these public figures sent a message of protest to the South African Government in August, calling for the release of Nelson Mandela. AI, requesting to meet government officials dealing with human rights in September, was directed to this group as its corresponding "nongovernmental Bulgarian entity."

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution prohibits discrimination based on "nationality, origin, creed, sex, race, education, social and material status," as well as the "propagation of hate...because of racial, national, or religious affiliation."

The Government does not admit the existence of any minority ethnic groups and hence even the possibility of

discrimination. Census reports, which earlier noted the existence of significant numbers of Gypsies, Macedonians, and ethnic Turks, now report an almost totally homogeneous Bulgarian populace.

The Government has consistently refused to acknowledge the presence of any Turks in Bulgaria, referring only to "Bulgarians who were forcibly Islamicized under Ottoman rule." Ethnic Turks comprise about 10 percent of the population, however, and are subject to severe restrictions and discrimination in a systematic effort to destroy their cultural identity. During the forced assimilation campaign of 1984-1985, all Turks were assigned new Bulgarian given and family names. Only these names appear on their new identity cards, issued from January to March 1985. Because no adult Bulgarians received new identity cards during this period, the date of issuance effectively functions as a code, signaling militiamen and other authority figures who may demand to see the card that its bearer is an ethnic Turk. There have been reported instances of illegal fines being levied for pretended offenses and other discriminatory measures taken by the police upon the discovery of ethnic heritage.

Despite official denials, most Turkish and Islamic social, cultural, and religious customs are banned. Public use of the Turkish language is forbidden, as is the wearing of traditional forms of dress. Turkish weddings are not permitted to take place in the streets, as is the traditional custom; they must be conducted in closed halls, and the singing and playing of Turkish songs is forbidden. Wedding parties must request an orchestra from the authorities, who will provide a group that will play only Bulgarian music. All Turkish weddings reportedly are attended by uniformed militiamen. Education in the Turkish language had long been banned. Many Muslim religious practices are forbidden. There are no longer separate Muslim cemeteries; established cemeteries have been destroyed. Only Bulgarian names can now appear on tombstones, making impossible the tracing of family relationships. The Government has reportedly dispersed entire Turkish communities in an effort to disrupt their social fabric.

Systematic job discrimination against ethnic Turks cannot be substantiated. There are a few Turkish members of the National Assembly, one of whom defected to Turkey in September. However, some reports assert that a number of Turks have lost their jobs because of resistance to Bulgarianization. The Bulgarian press in September carried an article vehemently denying reports that "young descendants of Bulgarians who had been converted to Islam by force during Turkish rule are being used in the army in humiliating posts, such as toilet cleaners, guards, and so forth, and this only in the construction troops."

There is pervasive societal discrimination against the small Gypsy population, which generally lives in shantytowns and occupies the lowest rung of the socioeconomic ladder.

The Constitution declares that "women and men enjoy equal rights," and there does not appear to be overt discrimination as regards educational and professional opportunities. Half of all university graduates are women. In 1988, for the first time, women were admitted to the army's Vasil Levsky Military Academy. Women comprise 49 percent of the "economically active population," but, according to government statistics

published in 1988, 63 percent of working women perform hard or "unattractive" physical labor. The press also reported that "feminization in certain fields has become a serious problem." Of those with higher education, there tends to be a concentration in the fields of education, engineering, and public health. Because so many women perform unskilled labor, their average salary tends to be lower than that of men.

Approximately one-third of the members of the elite Bulgarian Communist Party, which comprises about 10 percent of the population, are women. There are no women in the Politburo, however, but there is one in the Council of Ministers. Slightly more than 5 percent of the Central Committee members are women, and about 10 percent of the candidate members. Additionally, in administrative and economic management, there are fewer women in the upper ranks of the hierarchy.

Section 6 Worker Rights

a. The Right of Association

The Communist Party organizes and totally controls all trade unions, which are grouped together in a sole labor central called the Central Council of Bulgarian Trade Unions (CCTU). The head of the CCTU is a candidate member of the Politburo. Among the unions' chief roles are the fostering of their members' devotion to the party, the promotion of patriotism and "internationalism" (i.e., loyalty to the Soviet Union), and the facilitation of the "scientific-technical revolution" (i.e., the technological modernization of production). The leader of the Bulgarian labor union delegation to a Balkan conference in July declared a main task of unions to be "the turning of the Balkans into a nuclear-free zone."

Workers are not permitted to organize outside the official union structure, nor are they allowed to strike, although disgruntled workers in Mezdra engaged in a week-long stoppage in March 1987. Labor unions have not defended workers dismissed from jobs for political transgressions. Security authorities may blacklist such workers from certain kinds of employment.

The CCTU is affiliated with the Soviet-controlled World Federation of Trade Unions. Bulgaria is a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

There is no collective bargaining in Bulgaria. A new labor code, in force since January 1987, and a "restructuring" of unions in the spring of 1987 were putatively intended to shift the locus of union decision from the apex to its base: the much proclaimed arrival of "self-management." There is no indication, thus far, that the role of unions has substantially changed. Bulgaria has established customs-free zones in Ruse and Vidin.

c. Prohibition of Forced or Compulsory Labor

The Constitution declares that "every able-bodied citizen is obliged to do socially useful work." Those who do not work may be charged with "vagrancy" or social parasitism; Article 39 of the statutes of the People's Militia authorizes the imposition of "administrative measures," such as house arrest, on "people who lead nomad lives or beg as opposed to doing

social labor." Compulsory labor may be required of prisoners or those in internal exile. Human rights activist Eduard Genov, interned in the village of Mikhalkovo prior to being exiled, reportedly worked in a mine.

d. Minimum Age for Employment of Children

The labor code adopted in 1986 stipulated 16 years as the minimum age for all but certain light work. Persons from 16 to 18 years of age may not be assigned work designated as heavy, harmful, or dangerous; their workweek is either 5 7-hour days or 6 6-hour days. These restrictions are effectively enforced.

e. Acceptable Conditions of Work

The minimum wage is the local currency equivalent of about $120 per month at the official exchange rate, and the average wage is the equivalent of about $210 per month. The minimum wage is not sufficient for a single wage earner to provide a decent standard of living for a family. In families with two working spouses, the average wage provides, at best, a modest standard of living.

The workweek for adults is 42.5 hours (5 days of 8.5 hours) in most professions and occupations. Paid vacations range from 14 workdays annually, for those who have worked less than 10 years, to 18 workdays annually, for those who have worked more than 15 years. Additional paid vacation is granted those in certain difficult or dangerous occupations. Bulgarian practice appears generally to conform to these guidelines, although participation in unpaid supplementary "brigades" can lengthen working hours on various occasions during the year.

Trade unions are assigned a role promoting job safety and the general social welfare of their members. A national labor safety program exists, but standards of enforcement vary greatly. Newspaper reports in 1988 indicated that over one-third of working women labor in places of "unsatisfactory hygiene," and there is concern over the lack of safeguards for pregnant working women. Over 50 percent of working women reportedly have jobs that do not correspond to their "ergonomical requirements." There is also evidence that safety considerations do not figure prominently in work assignments for prisoners. Eduard Genov reportedly worked on a machine that creates dense dust laden with silicon dioxide particles.

CANADA

Canada is a constitutional monarchy with a federal parliamentary form of government. Representatives in the multiparty political system are elected by universal suffrage at local, Provincial, and Federal levels. Government responsibilities are defined by the national Constitution subject to interpretation by the independent judiciary. Federal and Provincial election mandates last a maximum of 5 years. Elections are free and often result in an orderly changeover of power to opposition parties.

Federal, Provincial, and municipal police forces enforce national and local law. Canada's armed forces are under the authority of the elected civilian Government and have no role in domestic law enforcement except in strictly defined national emergencies.

Canada has an open economic system that encourages private ownership, investment, and entrepreneurship.

Canada's human rights performance in 1988 was exemplary. The Charter of Rights and Freedoms, added to Canada's revised Constitution in 1982, guarantees fundamental rights and freedoms to all citizens. Government and private organizations work actively to ensure that these rights are respected in practice at all levels of society. Canada is a leader in promoting respect for human rights around the world.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no politically motivated killings.

Canadian authorities in 1988 sought the extradition from the United Kingdom of a Sikh, formerly resident in British Columbia, who stands accused of having placed a bomb on a Canadian airplane in 1985 that killed two luggage handlers at Tokyo's Narita Airport. In an unrelated 1988 incident, a 17-year-old Sikh refugee claimant was charged with the attempted murder, for political motives, of a Canadian newspaper editor of Sikh origins. The accused is currently being tried as an adult in a British Columbia court.

b. Disappearance

Secret arrest, clandestine detention, and politically motivated disappearances did not occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

These abuses are prohibited by law, and none was reported.

d. Arbitrary Arrest, Detention, or Exile

Canadian law prohibits arbitrary arrest and imprisonment, and this prohibition is respected in practice.

CANADA

In July 1988, Parliament passed into law bills introduced in 1987 which will strengthen the authority of the Government to detain refugee claimants and swiftly deport those found inadmissible. In 1988, as in 1987, opposition political parties and civil rights groups vigorously criticized portions of the bills, particularly those prescribing stiff penalties for persons and organizations--including churches and other humanitarian groups--which assist refugees to reach Canada without proper documentation.

An act authorizing the Federal Government to take special measures to ensure safety and security during national emergencies was passed in July 1988. The intent of this law is to define the kinds of emergencies under which the Government may assume extraordinary powers, including the suspension of basic civil liberties. The new law replaces the older and more loosely defined War Measures Act. The 1939 Official Secrets Act prohibits the private possession, distribution, and publication of information deemed prejudicial to the interests of the State and provides that persons under suspicion may be arrested without a warrant. No arrests under this law occurred in 1988.

There is no exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

In criminal trials, Canadian law provides that a person is presumed to be innocent until proven guilty and accords that person the right to a public trial and to counsel. Free counsel is available to indigents. The Official Secrets Act provides for secret trials with certain presumptions in favor of the State. Prosecutions under this statute are extremely rare, and convictions hard to sustain on appeal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Federal and Provincial Governments do not interfere with a person's basic rights except when there is a reasonable basis for presuming that the person is involved in criminal activity. Police officials face judicial penalties if they abuse a person's privacy without first obtaining a search warrant. Complaints by civil rights groups and opposition parties in 1987 that the Canadian Security and Intelligence Service (CSIS) maintained files on, and conducted unwarranted investigations of, an unacceptably large number of Canadians ceased after CSIS reduced its files and instituted tight oversight measures designed to protect the civil rights of all Canadians.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for by the Constitution and respected in practice. Exceptions to these freedoms include laws prohibiting certain forms of hate literature and pornography, restrictive decisions by Provincial film censorship boards, and laws which specifically protect language and cultural rights. An Ontario district court in May 1988 sentenced a pro-Nazi publisher to 9 months in prison on charges of spreading false news. The charges stemmed from a publication claiming that the World War II

Jewish holocaust was a hoax. The publisher was convicted on the same charges in 1985, but that conviction was overturned on a technicality.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association is guaranteed. Permits are not required to organize meetings or form associations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is provided in law and respected in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within or outside Canada, or on the rights of emigration and repatriation. Canada continues to be a haven for many refugees and displaced persons. There is, nevertheless, widespread concern that many have taken advantage of Canada's generous refugee law by making spurious requests for asylum. The increasing concern of the Government and the public was reflected in Parliament's passage in July 1988 of government bills that will establish more stringent refugee processing procedures. The Government's aim in passing these bills was to strengthen its ability to protect fully the rights of genuine refugees while curtailing abuse of the system by persons who do not possess a genuine claim to refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Canadian people through universal suffrage freely elect Federal and Provincial governments which rule Canada. Legislative elections must be held at least every 5 years, and voter participation rates are high. The Governor General is Queen Elizabeth II's representative as Head of State. The Prime Minister and the Cabinet, who usually are elected members of the House of Commons, exercise effective power. Three politically diverse parties are represented in the Commons, and several others function at the Provincial level. All Provinces and Territories have similar freely elected legislatures.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Violations of Human Rights

Canada actively promotes human rights in international forums, and the Federal Government encourages nongovernmental organizations to pursue investigations of human rights abuses throughout the world. The Canadian Human Rights Commission and its Provincial counterparts investigate and resolve complaints of discrimination in public and private sector activities under governmental jurisdiction.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Food, shelter, health care, and education are available to all

inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

Article 15 of the Charter of Rights and Freedoms guarantees equal benefits and protection of the law regardless of race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. These rights are respected in practice. However, a variety of women's groups and minority rights groups continued in 1988 to express concern that the adoption by Canada of a constitutional accord bringing Quebec into the Constitution and granting it special status as a "distinct society" could endanger the rights of women and of linguistic and cultural minorities throughout Canada. Some groups see the accord, signed by the Prime Minister and the Provincial Premiers and approved by Commons in 1987 but not yet approved by all the Provincial legislatures, as threatening the promise of equal rights for women and minorities set forth by the Charter of Rights and Freedoms.

Women participate freely in Canadian society. A Federal Cabinet minister, who is responsible for the status of women, and Federal and Provincial human rights commissions oversee women's rights. Women are well represented in the labor force, including in business and the professions, at wages comparable to those of men. Women enjoy marriage and property rights equal to those of men.

Section 6 Worker Rights

a. The Right of Association

Workers in both the public and private sectors have the right to associate freely and to strike. These rights are protected--at the Federal level--by the Canada Labour Code, which covers all employees under Federal jurisdiction. All other organized workers are protected by Provincial labor legislation. Trade unions are independent of the Government and may freely affiliate with international organizations.

In practice, certain groups of essential public sector employees are not allowed to strike. Restrictions vary from province to province. Eleven thousand members of the Alberta Nurses Association, barred from striking by Provincial legislation designating them "essential workers," went out on strike in January-February 1988, ignoring court orders to return to work. The Nurses Association was ordered to pay unprecedently high fines for the action, and some members were charged with contempt for refusing to return to work.

b. The Right to Organize and Bargain Collectively

Workers in both the public and private sectors have the right to organize and bargain collectively. Some essential public sector employees have limited collective bargaining rights which vary from province to province. All labor unions have full access to mediation, arbitration, and the judicial system. Canada has a limited number of export processing zones, and labor laws and practices within them are consistent with Federal and relevant Provincial laws and practice.

In 1987 the Security Intelligence Review Committee began an investigation of allegations that a person charged with conspiracy to bomb four Quebec hotels involved in a labor dispute had been acting as an agent provocateur for the CSIS. The Committee found no evidence to indicate that the CSIS had

directed or encouraged this person in the perpetration of the illegal acts for which he was later convicted. The Committee found in addition that the CSIS had never assigned him to report on any labor organization or on the labor-related activities of any person.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor practiced in Canada.

d. Minimum Age for Employment of Children

Child labor legislation differs among the provinces. The Federal Government generally prohibits those under 17 years of age from working for the Federal Government while school is in session. Provinces generally prohibit those under age 15 or 16 from working without parental consent, working in any hazardous employment, or working at night. These prohibitions are effectively enforced through inspections conducted by the Federal and Provincial labor ministries.

e. Acceptable Conditions of Work

Labor standards vary from province to province, but all limit the standard workweek to 40 or 48 hours and guarantee a sufficient minimum wage. The Province of New Brunswick's minimum wage of about $3.33 per hour is the lowest in Canada, but it is sufficient to provide a decent standard of living. Federal and Provincial legislation, which is effectively enforced through inspections conducted by the respective labor ministries, protects employees from hazardous working conditions.

CYPRUS

Cyprus has been divided since the Turkish military intervention of 1974, following a coup d'etat directed from Greece. Since that time, the southern part of the country has been under the control of the Government of the Republic of Cyprus. The northern part has been governed by an autonomous Turkish Cypriot administration supported by the presence of Turkish troops. In 1983 that administration proclaimed itself the "Turkish Republic of Northern Cyprus", which has been recognized only by Turkey. It held a constitutional referendum and "presidential" and legislative elections in 1985.

The internal political systems of the Republic of Cyprus and the Turkish Cypriot administration are democratic and based on free elections, and they provide basic human rights to their populations in both theory and practice.

Both Cypriot economies are based on the free enterprise system, with stress on private initiative and the right to own property. The economy in the Republic has prospered in recent years, benefitting especially from tourism and manufactured exports. The economy in the Turkish Cypriot area is closely linked to that of Turkey, and has problems with high inflation, low investment, and significant underemployment. State enterprises play a large role in the Turkish Cypriot economy.

The conflict between the Greek and Turkish Cypriot communities during the 1963-74 period, the Turkish intervention in 1974, and the ensuing presence of Turkish troops in the north have led to continuing charges of human rights violations. These events resulted in the uprooting of Greek Cypriots and Turkish Cypriots from the northern and southern parts of the island respectively, and the loss of lives, homes, and livelihoods.

The United Nations Secretary General in 1984 launched a renewed initiative to achieve a resolution of the Cyprus problem. On August 24, 1988, the leaders of both communities announced that intercommunal negotiations would recommence the following month in Nicosia with the aim of reaching an agreement to the Cyprus problem by June 1, 1989. The talks began on September 15 and were continuing at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no political killings.

b. Disappearance

There were no reports of persons abducted, secretly arrested, or held in clandestine detention during 1988. However, the issue of persons missing during the 1963-74 period remains a source of dispute between the Greek Cypriot and Turkish Cypriot communities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community specifically prohibit torture.

CYPRUS

Freedom from cruel, inhuman, or degrading treatment or punishment is provided for by law and respected in practice in both communities.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and detention is provided for by law and respected in practice by the Government of Cyprus and Turkish Cypriot authorities. Preventive detention is not legally authorized, nor has it been reported in practice. No one may be held for more than 3 days for investigation of a crime without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention do not exceed 8 to 10 days before formal charges are filed. After sentencing, prisoners may be visited once a month, or more frequently where humanitarian needs exist. Attorneys may visit prisoners freely. No instances of exile were reported.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

In both the Republic of Cyprus and the Turkish Cypriot area, fair public trial is ensured by law and exists in practice. The judiciary is independent of executive or military control. Defendants have the right to be present at their trials, to be represented by counsel (at government expense for those who cannot afford one), to confront witnesses, and to present evidence in their own defense. Cases are generally tried before a judge or panel of judges, although a request for a jury trial is usually granted. There are no special courts to deal with security or political offenses. Civilians are not tried by military courts. There are no political prisoners anywhere in Cyprus.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community contain provisions protecting the individual against arbitrary interference. A judicial warrant is required, for example, for a police official to enter a private residence. Abuses of privacy run counter to the democratic traditions of both communities. However, Turkish Cypriots continue to complain that mail coming through the Republic of Cyprus postal system is often delayed, opened, or not delivered.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These rights are provided for by law and are widely and freely practiced throughout the island. The press is free and represents the entire political spectrum. There is no press censorship, but the authorities control radio and television. Legislation was passed by the Republic of Cyprus in 1986 giving each party represented in Parliament a seat on the board controlling the Cyprus Broadcasting Corporation. In addition, the proliferation of party and independent newspapers in both communities enables ideas and arguments to circulate freely.

Opposition papers on both sides of the island frequently criticize the authorities. A prominent politician in the Turkish Cypriot area, however, was ordered this year to pay a substantial fine for seditious libel charges because of an editorial he wrote in 1985 criticizing the chief executive of the Turkish Cypriot administration. The decision is currently under appeal.

b. Freedom of Peaceful Assembly and Association

The freedom to associate, organize, and hold meetings is guaranteed by law and respected in practice.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is respected in Cyprus. In the Republic, the vast majority of the population is Greek Orthodox; in the north, Sunni Muslim. The Greek Orthodox church in the Republic has the character of a state institution. Missionaries are permitted to proselytize in both communities. There is, however, some hesitation on the part of the Cyprus Government to allow such activities to go on in an unrestricted manner owing to the primacy of the Greek Orthodox church.

Approximately 100 Turkish Cypriots, who still live in the Republic, are allowed to practice their religion freely. In the Turkish Cypriot area, non-Muslims include approximately 700 Greek Cypriots, over 300 Christian Maronites, and some foreign residents--all of whom are free to practice their religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

While Turkish Cypriots and Greek Cypriots enjoy general freedom of movement within their respective areas, movement is constrained between those areas. Turkish Cypriot authorities regulate travel into or out of the Turkish Cypriot area. They bar Greeks and Greek Cypriots from entering the north and Turkish Cypriots from visiting the south, except when traveling for humanitarian, medical, or other special reasons. The applications of Greek Cypriot residents of enclaves in the north to visit the Republic are usually granted, but the applicants must return within a designated period or risk losing their right to return, along with their property; foreigners coming from the Republic must obtain permission to enter the north. At the same time, the Government of Cyprus bars the entry into the Greek Cypriot area of foreigners who arrive at Turkish Cypriot ports of entry. Those who enter through the Republic but wish to stay overnight in the north are discouraged from doing so by the Cyprus Government.

The right to travel abroad and to emigrate is observed, although persons facing military service or legal action in either part of Cyprus may not be allowed to travel. Turkish Cypriots have difficulty in traveling to some countries because their travel documents, issued by the Turkish Cypriot authorities, are not widely recognized. Citizens may repatriate freely.

CYPRUS

The Government of Cyprus does not honor the principle of accepting third country persons as refugees, arguing that it has enough responsibilities for the care of the Greek Cypriot refugees as a result of the 1974 Turkish intervention. The Greek Cypriot authorities endeavor to remove or deport all such third country refugee claimants as soon as possible, even prior to a determination by the local representative of the United Nations High Commissioner for Refugees that the claim is valid, or prior to acceptance for resettlement by a third country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.

Both the Government of Cyprus and the administration of the Turkish Cypriot community are democratically elected. In their lively multiparty political systems, parties compete actively and without restriction for popular support. Suffrage is universal, and elections are held by secret ballot. Elections for the office of President of the Republic of Cyprus are held every 5 years, and elections for the House of Representatives every 5 years or less. In the north, the chief executive of the Turkish Cypriot administration is elected every 5 years, and the legislative body every 5 years or less. Greek Cypriots and Maronites living in the north--the latter having chosen before independence in 1960 to be regarded as members of the Greek Cypriot community--do not participate in Turkish Cypriot elections but elect their own village officials. They are eligible to vote in Greek Cypriot elections but must make their way to the Republic in order to exercise that right.

Women are by custom less active in politics than men throughout the island. There are no women members of Parliament in the north and only one in the Republic; currently there are no women of ministerial rank in either the Republic's Government or the Turkish Cypriot administration. In the 1986 local elections in the Republic, however, 31 out of 228 city council seats went to women. The Government named a woman to the bench for the first time in 1986. A second woman was appointed in 1988. Two women currently serve as undersecretaries in the Turkish Cypriot administration. There are two female judges serving in the Turkish Cypriot administration, the first of whom was appointed in 1981.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The question of human rights in Cyprus is closely connected to the political differences that divide the two communities. In 1986, a group of Greek Cypriots announced the formation of a "Committee for the Restoration of Human Rights throughout Cyprus." This committee ascribes the problem of human rights on the island to the 1974 Turkish military intervention and the continued presence of Turkish troops in the north. The Turkish Cypriot human rights committee in turn denounced the Greek Cypriot charges, stating that the Turkish troops were present to protect Turkish Cypriot human rights. Such exchanges continued in 1988.

Cyprus participates actively in the work of the U.N. Human Rights Commission (UNHRC). For several years, the question of human rights in Cyprus relating to the events of 1974 has been on the UNHRC's agenda. In March 1987, the UNHRC passed a

resolution on Cyprus supported by the Government of the Republic of Cyprus. The United States opposed the resolution because it did not advance the efforts of the U.N. Secretary General to achieve a just and lasting settlement through his good offices mission, nor did it address the work of the Committee on Missing Persons. The Republic of Cyprus has applied to have the question of human rights in Cyprus placed on the agenda of the European Commission on Human Rights. In addition, the Government of Cyprus has repeatedly raised in international forums the question of persons missing since 1974. Representatives of international human rights organizations have open access to both the Republic and the north. On September 5, 1988, the Government of Cyprus became the 21st member of the Council of Europe to sign the Human Rights Convention protocol granting the right of individual petition to the European Commission and Court of Human Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Food, shelter, education, and health care are available to members of both communities regardless of race, religion, ethnic background, or political opinion. Housing within each sector is adequate and is available for displaced persons. Cypriots living in one sector who would prefer to return to homes in the other sector in which they lived prior to 1974 are generally unable to do so. Most Cypriots, both Greek and Turkish, are covered by national health service systems.

There have been complaints, however, that the welfare of minorities in the north is impaired by Turkish Cypriot restrictions on housing, water, education, and movement. The United Nations Force in Cyprus (UNFICYP) monitors the welfare of the Greek Cypriots and Maronites in the north, as well as that of the Turkish Cypriots in the Republic.

Although members of the Latin, Maronite, and Armenian minorities cannot serve in the Greek Cypriot National Guard, this exemption is based on ethnic rather than religious considerations and is generally welcomed by the minorities themselves.

Throughout Cyprus, women generally have the same legal status as men. In the north, legal provisions exist requiring equal pay for men and women performing the same job. In the Republic, government workers receive equal pay for equal work, but no such regulations apply to the private sector. However, legislation to this effect is currently pending. Despite such legislation, in both areas actual average wages earned by males substantially exceeds those earned by females. Local custom has also inhibited the full participation of women in public life. Politics, for example, has traditionally been a male preserve in all of Cyprus. As attitudes gradually change, women are receiving greater opportunities.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely on both sides of the cease-fire line which divides the two communities. Over 80 percent of Greek Cypriot workers and 50 percent of Turkish Cypriot workers belong to independent trade unions. In both communities, trade unions freely and regularly take stands on public policy issues affecting the workers. Most unions are

affiliated either with the International Confederation of Free Trade Unions or with the World Federation of Trade Unions. Unions in both parts of Cyprus freely take part in international meetings. The Government of Cyprus has taken a particularly active role in the International Labor Organization. Labor unions, more than most other organizations on Cyprus, attempt to maintain contact and cooperation across the dividing line.

All Cypriot workers have the right to strike. In general, however, strikes are rare and usually of short duration. Both the Government of Cyprus and the Turkish Cypriot authorities have the power to curtail strikes in what are deemed to be essential services.

b. The Right to Organize and Bargain Collectively

Under law and in actual practice, trade unions and confederations, both non-Communist and Communist, are free to organize and to bargain collectively in both parts of Cyprus. In both the north and the Republic, parties to a dispute may request mediation by the authorities. In both sectors legislation prohibits dismissal for participation in trade unions. There are no zones in either the Greek or Turkish Cypriot areas where the right to organize and bargain collectively are barred.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor does not occur.

d. Minimum Age for Employment of Children

The Government of Cyprus has set the minimum age of employment of children in an "industrial undertaking" at age 16. In the north, the age is 15. The law is effectively enforced in both sectors through labor inspection.

e. Acceptable Conditions of Work

In the Republic, minimum wage laws exist for apprentices between the ages of 16 and 18. The wage set for this group is equal to about $250 per month. Minimum wages for other groups are fixed through collective agreement. In the north, the minimum wage equals about $80 per month. It is effectively enforced, but by itself is not adequate to provide a decent living for workers and their families. The Government of Cyprus has set a 40-hour workweek as the maximum, except for shop workers and drivers who work no more than 42 1/2 hours. In the north, the maximum hours of work in the winter are 38, and in the summer, 36. Occupational safety and health regulations are effectively administered in both sectors.

CZECHOSLOVAKIA

The Czechoslovak Socialist Republic is ruled by the Communist Party of Czechoslovakia whose leadership decides all important political, economic, and social questions and sharply limits the scope of individual human rights. In December 1987, Milos Jakes replaced Gustav Husak as General Secretary of the party. At a Central Committee meeting in October 1988, five new members joined the ruling Communist Party Presidium and two resigned. The party nominated Ladislav Adamec to replace Lubomir Strougal as Prime Minister.

Czechoslovakia has a large, well-funded internal security establishment, directed by the Ministry of the Interior and the party hierarchy. It includes uniformed police (public security) who are similar to Western police forces, and the secret police (state security), who deal with those they judge to be past, present, or future opponents of the regime. This powerful internal security force--backed by the Czechoslovak Army and the 80,000 Soviet troops stationed in the country since 1968--is the main pillar of the party's control.

Czechoslovakia's centrally planned economy allows virtually no private enterprise or ownership in manufacturing, retail operations, agriculture, or services. In recent years, the economy, characterized by excessive central planning, obsolete equipment and infrastructure, and an almost complete lack of incentives for innovation and initiative, has become less competitive on world markets. Party leaders have admitted to problems with the economy and have proclaimed a policy of "restructuring the economic mechanism" with the intention of improving efficiency and reducing central control, while maintaining the leading role of the party in all sectors of society.

Although the Constitution provides for freedoms of speech, press, assembly, and religion, these provisions are rarely implemented. Independent associations are not legally permitted in Czechoslovakia; all labor unions, professional associations, and even amateur groups are controlled by the Communist Party and subordinated to it.

The human rights situation in Czechoslovakia in 1988 evinced some slight improvement in the first part of the year, but events in the latter half of 1988 demonstrated increasing repression and a possible return to previous practices. Although there were fewer trials resulting in prison sentences, officials nevertheless demonstrated little tolerance for independently organized activities. Harsh repression, especially outside the capital, continued to be directed at religious activists and at those persons and groups, such as signatories of Charter 77 and members of the Committee for the Defense of the Unjustly Persecuted (VONS), who monitor human rights abuses in Czechoslovakia.

On the other hand, positive developments included the Government's unprecedented decision to permit doctors from the U.S. organization Physicians for Human Rights to investigate the circumstances surrounding the death in prison in April of Pavel Wonka. The Government also permitted an unofficial demonstration on December 10 in Prague in honor of the anniversary of the proclamation of the Universal Declaration of Human Rights. Finally, the Government in December ceased jamming Radio Free Europe broadcasts.

CZECHOSLOVAKIA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Pavel Wonka, imprisoned in 1986 and subsequently convicted in 1987 of subversion for distributing an independent election ballot for the May 1986 election, was released from prison in very poor health in February 1988. Rearrested in April for failing to comply with the terms of his release, Wonka was sentenced to an additional 5 months of imprisonment. He died within a month of his reincarceration. At the request of Wonka's mother and the independent human rights initiative Charter 77, the U.S. nongovernmental organization Physicians for Human Rights requested permission to investigate the circumstances surrounding Wonka's death. According to an interim report, the doctors' findings were consistent with official Czechoslovak reports regarding the cause of Wonka's death. They concluded that there was no physical evidence of beatings or torture. Nevertheless, it is clear that Wonka's health was seriously undermined by the severe conditions of his imprisonment.

No other reports of incidents suggesting political killings by the police came to public attention in 1988. In the course of trying to prevent Czechoslovak citizens from fleeing to the West, border guards in past years have caused a number of casualties, including fatalities. There were no reports of such incidents in 1988.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Government does not appear to practice a systematic program of torture. In a collection of articles published in 1987 by Charter 77, however, current and former prisoners in Czechoslovak jails reported instances of cruel and degrading treatment during the past 10 years. In addition, Pavel and Jiri Wonka reported that they were severely beaten during their extended detention in 1986-87, and Pavel Wonka was in very poor health when he was released from prison in February, 2 months before his death. Jiri Wolf, a political prisoner whose health has caused concern in the past, was visited by the doctors who investigated the circumstances surrounding Pavel Wonka's death. Their interim report criticized the conditions of Mr. Wolf's incarceration.

Generally, prison conditions are poor and sometimes approach the level of cruel and inhuman treatment. This is especially true under the "third category" of imprisonment (the harshest regime). Cells are usually small and unheated, family visits are strictly limited, and prisoners report such punishments as reduction in pay and limitations on free time, bathing, and exercise periods if they fail to meet unrealistically high work standards. Informed sources report that prisoners are assigned unpleasant and hazardous work which normal workers refuse to perform. Inmates are occasionally given such health-threatening assignments as polishing crystal and costume jewelry in environments lacking sufficent ventilation

to prevent glass fragments and chemicals from being inhaled. Sanitary facilities, diet, and medical facilities are reported to be inadequate. Former prisoners have reported that prison guards sometimes encourage hardened criminals to prey on persons serving sentences for political offenses. Prisoners or former prisoners who complain publicly of mistreatment have been severely punished and sometimes sentenced again for having complained.

In its July 1983 meeting, the World Psychiatric Association accused Czechoslovakia of misusing psychiatry for political purposes. Czechoslovakia thereupon resigned its membership in the organization. No consensus exists among independent observers regarding whether or not there is widespread abuse of psychiatry in Czechoslovakia. However, one case of possible psychiatric abuse involved Augustin Navratil, the Catholic activist who drafted a 31-point petition for religious freedom. On October 28, Navratil was committed involuntarily to in-patient psychiatric care for an indefinite period. This decision was made despite an examination in September by Western physicians who reportedly found Navratil's mental condition to be within "normal parameters."

d. Arbitrary Arrest, Detention, or Exile

Czechoslovak citizens, especially human rights activists, are frequently arrested, detained, or subjected to searches--including of their homes--and interrogations for the expression of personal views contrary to those of the regime. Judicial and police authorities often explain such actions in legal terms and perform them with warrants. They have also arrested and detained citizens without warrants. Under the law, a person may be detained for up to 48 hours without being charged, although in practice this limit has not always been observed. Searches, detentions, and frequent interrogations are among the tactics used by the regime when it has decided to harass rather than to prosecute.

Human rights activists from Charter 77, the Independent Peace Initiative, the Democratic Initiative, and other unauthorized groups were detained on October 27 on the eve of the 70th anniversary of the founding of the Czechoslovak Republic, presumably to prevent the independent demonstration scheduled the next day. At least 65 persons were taken into custody, and 13 were subsequently charged with criminal offenses stemming from the unofficial celebration of the anniversary. The authorities also prevented the independently organized seminar "Czechoslovakia 1988" from being held November 11-13 by detaining about 20 activists for several days.

According to law, a detainee may be held in investigative detention for 60 days if the authorities decide to press charges. A detainee may receive visits by family members only after a trial. Investigative detention may be, and has been, extended beyond 60 days at the request of the prosecution, and detainees are occasionally held for long periods without being brought to trial. For example, Ivan Polansky was held in detention for over 6 months before his trial (see Section 2.a.).

Persons arrested for expressing personal views that take issue with the regime's official position generally are charged with "subversion," "incitement," "defamation of the Republic," or "damaging the interests of the Republic abroad." In the past, citizens who had unauthorized contacts with foreign diplomats

or who frequented foreign embassies and their libraries were sometimes charged with "espionage." Those arrested for religious activities usually are charged with "obstructing state supervision over churches and religious societies." Many articles of the criminal code are sufficiently elastic to encompass almost any activity. In certain instances, the authorities have also resorted to arbitrary or trumped-up criminal charges (e.g., "hooliganism" or "stealing Socialist property") to punish those whose real offense was to engage in unauthorized political or cultural activity.

The authorities do not formally impose internal exile or house arrest. In 1984, for the first time, the Government introduced a regime of "protective supervision," which combines features of both. Pavel Wonka's rearrest in April stemmed from his refusal to abide by the terms of his "protective supervision." Protective supervision includes travel restrictions, curfews, frequent searches of persons, homes, and guests, and the obligation to report regularly--often twice a day--to the police. The imposition of such a regime, intended for habitually violent offenders, against persons who have never committed or advocated an act of violence is a form of harassment that sharply curtails their freedom of movement and isolates them from normal contact with those outside their home.

Since 1986 there have been no reports that the Government has employed forced exile to rid itself of critics. Prior to that time, people working or visiting abroad with official permission were at times stripped of their citizenship and refused the right to return. The authorities have on occasion exerted heavy pressure to emigrate on those who have already served a jail sentence. If they refuse, they and their families may suffer harassment, denial of jobs and schooling, and the threat of rearrest. After a year or more of this treatment, some ex-prisoners have applied for emigration passports.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

According to Czechoslovak law, people charged with criminal offenses are entitled to fair and open public trials. The law provides that accused persons have a right to be informed concerning the charges against them, to retain counsel, and to present a defense. In practice, however, the exercise of these rights may be reduced to a mere formality, especially where political offenses are concerned.

Defendants may either choose their own lawyers or request court-appointed lawyers. However, lawyers, like judges, are subject to direct and indirect pressures from political authorities, and they do not always vigorously represent their clients. Defendants may exercise their right to defend themselves in court and occasionally succeed in having charges dismissed or reduced at the original trial. Thereafter, the prosecution may file an appeal which may result in an increase in the sentence or in additional charges.

In 1988 it was easier for friends of defendants, press representatives, and diplomats to attend trials with political content than some years ago. Ivan Polansky's appeal of his conviction for subversion was not, however, open to the general public (see Section 2.a.). Attendance was restricted

to "interested members of the public," as selected by court officials who refused access to the representative of a human rights group and to a U.S. Embassy officer.

The judiciary is not independent of the regime and the Communist Party. In theory, judges can be removed only by the Federal Assembly (national parliament) or by the Czech or Slovak National Councils (regional parliaments). In practice, they are subject to direct control and supervision by the party, to which most judges and lawyers belong.

The number of political prisoners in Czechoslovakia is difficult to estimate. The Government does not release figures on its prison population and does not recognize political prisoners as a separate category. The only figures available are those from the VONS, which to the best of its ability documents individual cases. By VONS' account, there are at least 15 political prisoners at this time. However, due to the limitations on securing such information, VONS' list is almost certainly illustrative, not exhaustive, and therefore represents a minimum figure. Additionally, VONS does not monitor certain categories of political prisoners, such as those sentenced for attempts to leave Czechoslovakia without official permission. The number of such prisoners--most of whom serve terms of 1 to 2 years--has been estimated at 1,000. The amnesty declared on October 27 could affect up to 160,000 persons who left or tried to leave Czechoslovakia illegally.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government monitors and controls the activities of citizens whom it suspects of engaging in antiregime or independent activity. Consequently, it also interferes with privacy of communications.

Those who are considered opponents of the regime bear the brunt of heavily intrusive surveillance. They, their families, and their friends are subjected routinely to such measures as electronic surveillance, tapping of telephones, and interception and destruction of mail. Discrimination in employment is a regular aspect of the harassment and persecution of families of dissidents and religious activists. Fear that their children may be denied higher education is a major factor in preventing open dissent among intellectuals and white-collar workers.

A special problem exists for religious believers who wish to raise their children in their faith. The organization of religious instruction or of ceremonies in private homes is forbidden (see Section 2.c.).

The Government discourages contacts with persons and organizations in the West and receipt of information from the West. It also requires persons in a variety of professions to file a report each time they have a conversation with a Westerner. In December, however, the Government ceased jamming broadcasts of Radio Free Europe for the first time in two decades. Other Western radio broadcasts are also not jammed. Many people who live near the country's western or southern borders can receive West German or Austrian television broadcasts.

CZECHOSLOVAKIA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and freedom of the press, it states that these freedoms must be exercised "in accordance with the interests of the working class." In effect, persons may not voice opinions publicly that differ from party policy or that question the legitimacy of party rule, the fundamental principles of the "Socialist" state, or the regime's relationship with the Soviet Union. Likewise, political directives severely limit academic freedom. While there is limited evidence that, in the light of recent Soviet examples, the Czechoslovak authorities have allowed marginally more freedom of expression, no clear pattern has yet emerged.

All officially recognized newspapers and magazines are published and controlled by political parties or mass organizations of the National Front (e.g., the Youth League, Revolutionary Trade Union Movement, or Sports Federation). These in turn are controlled by the Communist Party. Legally published religious literature and periodicals are subject to strict censorship and are available only in limited editions. Publishing houses and the news media, all state-owned, employ self-censorship under Communist Party guidelines. Editors who are insufficiently vigilant suffer fines or dismissal. Writers who wish to publish must belong to the state-controlled Union of Writers.

Only a limited number of Western non-Communist periodicals are imported, and these are usually not available to ordinary citizens. Since the early 1970's, libraries have restricted access to Western publications of a political character to those persons who have obtained special permission from their employers or their universities documenting their need for the material for official purposes. Periodicals such as Time and Newsweek are locked in cabinets controlled by special personnel. Books and periodicals published during the 1968-69 period and other publications considered ideologically "harmful" are subject to similar controls.

The Interior Ministry controls printing and photocopying equipment, except typewriters, which cannot be obtained legally by private citizens. Despite these restrictions, a lively underground samizdat (self-published) press publishes a variety of fiction and nonfiction, usually in very small editions. In 1988 an independent newspaper, Lidove Noviny, began publication in Czechoslovakia. Although authorities refused to register the publication officially and fined the periodical's editor-in-chief for his unauthorized publication, the monthly continued to appear. Also, a group of Charter 77 signatories regularly publishes a newsletter entitled Informace o Charte 77 (Information about Charter 77), which carries Charter documents and VONS communiques reporting human rights violations. Some samizdat literature is sent abroad, where it is reprinted in emigre publishing houses and then brought back to Czechoslovakia in large editions. Persons prosecuted for exercising their right to free speech or for engaging in independent publishing activities in 1988 included Ivan Polansky, who on August 30 received a 4-year sentence for subversion in connection with historical and religious samizdat materials that he allegedly compiled and distributed. Polansky was released from prison on December 16 following the reduction in his sentence as part of the October amnesty.

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b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, that freedom is severely limited in practice. Public meetings may be held only with the permission of the police, and this permission depends upon whether or not the proposed meeting supports state objectives. When the authorities wish to have a large rally, such as May Day or "peace" demonstrations, they exert pressure on people to attend.

On August 21, the 20th anniversary of the 1968 Soviet-led invasion that put an end to the "Prague Spring," the authorities suppressed a spontaneous, peaceful demonstration in Prague. Up to 10,000 persons marched through Prague for more than 2 hours before police forces dispersed a remaining group of several thousand demonstrators, detaining a number of persons and charging 13 with criminal offenses.

In another example of repression, the authorities broke up an independent peace seminar convened in Prague in mid-June. They briefly detained local activists attempting to participate in the seminar and expelled a number of foreigners from the country. An independent seminar on modern Czechoslovak history was also disrupted on November 11. On the 70th anniversary of the founding of the Czechoslovak Republic on October 28, up to 8,000 persons staged a demonstration in Prague despite a series of preventive detentions aimed at discouraging the commemoration. Police used truncheons, dogs, water cannon, and tear gas to disperse demonstrators and spectators. Thirteen persons were charged with criminal offenses.

On December 10, Czechoslovak authorities permitted an unofficial human rights demonstration in Prague. This was the first independent demonstration to receive official sanction in nearly 20 years. Subsequently, however, there were reports that authorities were banning such activities, at least on a local basis.

The Government does not permit the establishment of independent associations as demonstrated by its continuing unwillingness since 1985 to tolerate the Jazz Section of the Musicians' Union. Unijazz, a successor organization, was formed in 1988. Unijazz was refused authorization to form a legally recognized association. Jazz Section Chairman Karel Srp, the last of the five members of the Jazz Section's leadership tried, convicted, and sentenced to up to 16 months' imprisonment in March 1987, was released on January 1, 1988.

In May 1987, the founding committee of a proposed organization to be named the Society of Friends with the United States (SPUSA) submitted a request for approval of its bylaws to the Ministry of Interior. The organization was to be a voluntary, social association within the framework of the National Front, and dedicated to developing friendship, trust, and understanding between Czechoslovakia and the United States. Following final rejection of the organizers' application for registration with the National Front, SPUSA reorganized itself as an informal "association." Activists have been subjected to repeated interrogations, and SPUSA has been characterized by Czechoslovak authorities as an antistate organization. Meanwhile, the authorities set up their own "North American Committee" of the Society for International Relations as a state alternative to SPUSA.

Other citizens' groups subjected to official harassment or unable to secure official recognition include the "Independent Peace Initiative" and "Democratic Initiative." Citizens interested in the environment and in the visual and performing arts (including rock and punk groups), although also harassed, have some success in organizing independent activities. Meetings between independent citizens and visiting foreign officials have generally passed without incident. However, police did prevent a March 4 meeting between a visiting British official and representatives of Charter 77 and the Jazz Section.

c. Freedom of Religion

"Scientific atheism" is part of the official ideology, and freedom of religion, provided for in the Constitution, is strictly limited in practice. The regime actively discourages all religious activity, especially among the young. Teachers, policemen, Communist Party officials, and members of certain other professions encounter problems in their careers if they are seen in church.

Early in the year, some 600,000 persons signed a 31-point petition demanding increased religious freedom. Conditions did not improve as a result of the petition, and the Government declined to address the points raised in the petition. The petition's drafter, Augustin Navratil, was committed to a mental hospital on October 28. Earlier, on March 25, police brutally dispersed a group of several thousand people who were demonstrating for religious freedom in Bratislava.

The Government exercises strict control over all religious affairs. A church must be registered officially in order to function legally in Czechoslovakia. Groups which proselytize, such as Jehovah's Witnesses and Mormons, are banned outright, and their members suffer frequent harassment and arrest. Jehovah's Witnesses have been reported in several prisons, but there is no reliable estimate of their number.

Organized religious practice is hampered by both written and unwritten restrictions. Clergymen are paid by the State and must receive a state license in order to practice. Such licenses can be--and are--withdrawn without explanation. Estimates of the number of clergymen who have lost their licenses vary, but they are known to include several bishops. Those who continue to practice despite revocation of their licenses are liable to criminal prosecution. On the positive side, the Government reached agreement with the Vatican on the appointment of three new bishops. However, with the death in November of Bishop Jan Pasztor, Bishop of Nitra, 11 of Czechoslovakia's 13 dioceses were unfilled.

Religious instruction in the home is forbidden, and parents must obtain the permission of local authorities if their children are to receive religious education at school. Instruction for Catholic children is provided at school, and instruction for Protestant children takes place at church, as arranged between the leaders of each religious denomination and the Government. School authorities warn parents that participation in religious classes could be damaging to a child's education and career prospects.

Although the Government has stated its intention to increase the supply of religious literature, printing is severely

restricted, and Bibles are in short supply. The demand for religious literature exceeds supply, and Bibles and other pieces of religious literature are smuggled in from abroad and produced by underground samizdat methods. Samizdat and other unofficial efforts to increase the supply of religious materials are illegal.

The authorities do not facilitate travel by religious officials to and from Czechoslovakia unless the proposed visit serves the purpose of the State. In the case of the Catholic Church, the Government has followed an extremely restrictive policy. Pope John Paul II has not been permitted to visit Czechoslovakia, despite an invitation from Cardinal Tomasek and petitions signed by thousands of Czech and Slovak Catholics. Priests and other religious leaders are frequently denied permission to travel outside the country. Unofficial or unsanctioned travel by religious groups for purposes the Government considers illegal--e.g., importing religious literature or objects, conducting religious training, and similar activities--is severely punished.

For many years, no proposed construction of new Catholic churches has been approved. However, some Protestant congregations--including Baptists--have been allowed to build new churches. The Roman Catholic Church is the largest of Czechoslovakia's 18 officially registered religious bodies. There are an estimated 8 to 11 million Roman Catholics in the country, and up to 450,000 members of the affiliated Greek Catholic (Uniate) Church. The Greek Catholic Church was reestablished in 1968 after having been forcibly united with the much smaller Orthodox Church in 1950. However, the Greek Catholics have been unable to reclaim their property, which remains in the possession of the Orthodox Church.

Students in Czechoslovakia's two remaining Catholic seminaries (out of a prewar total of 13) need state approval to be admitted and ordained. In addition, the State must approve each priest's assignment to a parish or higher office. Consequently, many priests have to cover more than one parish.

In 1950 all male religious orders were dissolved. A few female religious orders are allowed to continue functioning and for the first time since a brief period in 1968 have been allowed to admit a limited number of new members. Despite these limitations, some Catholic monastic orders have continued to operate clandestinely, with members making occasional public appearances.

In Slovakia there were several Catholic pilgrimages in 1988 in which several hundred thousand people took part with no substantial police interference. Authorities did, however, prevent participation by known religious activists in the September 17-18 pilgrimage to the Slovak shrine at Sastin as well as the March 25 religious demonstration in Bratislava.

"Pacem in Terris," the state-sponsored "peace association" of Catholic clergy, founded by the State in 1970, has been a major instrument of state control over the Catholic Church. The association has been losing ground since 1982 when the Vatican banned clerical participation in political organizations worldwide. Although Cardinal Tomasek and the overwhelming majority of Catholic clergy in Czechoslovakia have disassociated themselves from "Pacem in Terris," priests associated with the organization have retained control of

Katolicke Noviny (Catholic News), the only legally published Catholic newspaper.

Protestant denominations registered by the Government operate under constraints similar to those for the Catholic Church. Proselytizing is forbidden; religious education is strictly regulated; religious ceremonies are restricted for the most part to church premises; and education of clergymen is closely controlled. Clergymen who become popular with young people or associated with Charter 77 soon find themselves barred from preaching.

Two Jewish community councils, one in the Czech lands and the other in Slovakia, serve the Jewish community of several thousand. These councils are central religious organizations financially supported and controlled by the Government. The Government permitted publication of a pamphlet with prayers in Hebrew and Czech in 1988. There are synagogues and prayer houses open for worship and two rabbis, one in Prague and one in Kosice. Religious ritual articles and kosher meat are available in limited supply. In Prague there is a Jewish Museum operated by the State. The Prague rabbi initiated a small Jewish religion class in 1988 for young children. There is no rabbinical seminary.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

For all Czechoslovaks, freedom of movement is restricted near military installations and along the borders with Austria and the Federal Republic of Germany. Movement within the rest of the country is not restricted for most citizens. However, the Government has restricted the movements of Charter 77 activists and other "suspect" persons, especially to prevent their participation in independently organized activities.

In theory, Czechoslovak citizens may buy hard currency from the state bank to finance travel to the West once every 3 years. In practice, while some Czechoslovaks are able to travel to the West every year, others are granted exit documentation only once in a lifetime or never. In addition to applying for passports and exit permission, which are required for all foreign travel, persons desiring to visit "non-Socialist" countries must submit an application for a hard currency allocation in January of the year in which they wish to travel. Regulations promulgated in January enable Czechoslovaks to receive hard currency from friends or relatives abroad for foreign travel or to use their own hard currency funds if they can demonstrate that they legally obtained such funds. In such cases, the traveler need not apply for the hard currency allocation from the Government. These new regulations have enabled many more Czechoslovaks to travel to the West than had previously been the case.

Travel by citizens of Czechoslovakia to East European countries also is regulated. A special passport is required for trips to Yugoslavia, and travel to Poland has been strictly controlled since 1981. Travel to Hungary has been made more difficult by limiting the amount of currency which may be exchanged and the number of trips which may be made per year. Citizens deemed politically unreliable may be denied permission to travel outside of Czechoslovakia, including to other countries in Eastern Europe.

CZECHOSLOVAKIA

The right to emigrate is extremely limited. In general, only those wishing to join a foreign citizen spouse, or, in the case of retired persons, foreign citizen children abroad, have this right. Those caught while seeking to leave Czechoslovakia without official permission may be sentenced to between 6 months and 5 years in prison. A general amnesty announced on October 27 will affect those persons convicted on the charge of seeking to leave or leaving the country illegally as well as on other charges incurring sentences of less than 2 years. The amnesty for those who left the country "illegally" could affect thousands who departed Czechoslovakia following the 1968 Warsaw Pact invasion. Those who have taken a "hostile attitude toward the Socialist social and state system," however, were specifically excluded from this part of the amnesty.

Czechoslovakia in the past has denied the right of repatriation by stripping the citizenship from those citizens it wished to keep out. Emigration passports are not valid for return without special endorsement, and in some cases permanent exile has been a condition for emigration or study abroad. There is a moderate outflow of persons from Czechoslovakia, primarily persons who leave the country legally on vacation to non-Warsaw Pact countries and do not return, but precise statistics are unavailable.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change the political leadership or the system of government. The Communist Party leadership makes all significant decisions regarding government, economic, and social affairs. Real power is exercised by only a few top-level officials in the party Presidium and Secretariat. They determine who will be placed in decisionmaking positions not only within their own ranks but also throughout the Government, the economy, the media, and mass organizations. There are few women in high-level party and government positions. There is one woman in the party Secretariat, and she holds her position by virtue of being Chairman of the Women's Union. There are no female ministers at the national level or ambassadors abroad.

Ordinary citizens, especially those who are not party members, have no role in selecting their leaders or in participating in political or economic decisions. Four minor political parties are permitted to exist and publish their own newspapers, but they must conform strictly to Communist Party directives. All parties and mass organizations are incorporated in the National Front, which is completely controlled by the Communist Party. Among its tasks is the nomination of a single slate of candidates to stand unopposed at all elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

As noted above, the Government permitted representatives of the U.S. nongovernmental organization Physicians for Human Rights to travel to Czechoslovakia in 1988 to investigate the circumstances surrounding the death in prison of Pavel Wonka and to meet with political prisoner Jiri Wolf. Nevertheless, Czechoslovakia generally reacts negatively to expressions of concern about human rights violations either by other governments or by nongovernmental institutions. Officials

have spoken with U.S. officials about the Czechoslovak Government's interpretation of human rights and of the limits which it contends must exist to provide adequate protection for society. During 1988 representatives of the Helsinki Watch Committee and Amnesty International were permitted to travel to Czechoslovakia.

Two groups within Czechoslovakia concern themselves primarily with human rights issues. One is Charter 77, composed of persons who signed a document, first made public in January 1977, calling on the Government to honor its commitments under international agreements on human rights, including the Final Act of the Conference on Security and Cooperation in Europe, as well as human rights provisions in the Czechoslovak Constitution. The second group, VONS, uses public records and reports from friends and relatives of the accused to issue communiques in cases where it believes the police, the courts, or the prisons have abused citizens' rights. These communiques are distributed to Czechoslovak authorities. Members of both these groups are targets for harassment by the regime.

Section 5 Discrimination Based on Race, Sex, Religion, Language or Social Status

Health care, educational, retirement, and other services are provided without regard to race or sex. Membership in the Communist Party confers special access to goods and services (including education, medical services, and consumer items), and party officials receive particularly favorable treatment.

Women are equal under the law, and there are small numbers of women in the professions. However, female representation is very low in higher ranking political and managerial positions. Women comprise 46.5 percent of the work force, but they tend to be concentrated in lower paying, less skilled jobs. In nonagricultural activities, women's average wages amounted in 1985 to 68.4 percent of those of men. Women do, however, receive pay equal to that of their male colleagues if they hold the same job.

Czechoslovakia has two major nationalities--Czechs and Slovaks--and two substantial minorities--Hungarians and Gypsies. Czechoslovakia provides certain guarantees for minorities, but interethnic relations are still colored by historic animosities. Hungarians, who are concentrated in southern Slovakia, form the country's largest minority (555,000, according to official statistics). They are represented proportionately in federal and local legislative bodies but are underrepresented in high-level jobs in industry, government, and the party apparatus. The State provides some primary and secondary education in Hungarian and permits a limited number of ethnic Hungarians to pursue higher education in Hungary. Ethnic Hungarians complain, however, that Hungarian-language instruction at the elementary and secondary levels is being reduced, and that the lack of opportunities for higher education in Hungarian is creating a growing shortage of qualified Hungarian-language teachers.

Gypsies, who number about 250,000, are the only other sizable minority. They tend to suffer from disproportionately high rates of poverty, crime, and disease. Their problems appear to result more from traditional and popular prejudice than from government policies.

CZECHOSLOVAKIA

Approximately 30,000 Vietnamese laborers are temporarily working and residing in Czechoslovakia. Reportedly, they are allowed to retain two-thirds of their salary. The remainder is shared by the Czechoslovak and Vietnamese governments.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to associate freely or to strike. They may not establish and join organizations of their own choosing without previous authorization. An attempt to establish an independent trade union in the early 1980's was suppressed. The Czechoslovak labor union umbrella organization, the Revolutionary Trade Union Movement (ROH), is a mass organization strictly controlled by the Communist Party. Membership in official trade unions is virtually obligatory for workers. The ROH is affiliated with the World Federation of Trade Unions, whose headquarters are in Prague.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize or engage in collective bargaining. Special economic incentive zones do not exist in Czechoslovakia.

c. Prohibition of Forced or Compulsory Labor

Forced labor does not exist in Czechoslovakia, but "work education" is required of prisoners. Former prisoners report that convicts face higher norms (quotas), lower pay, and poorer working conditions than do ordinary workers.

The Constitution affirms the right and duty to work. In practice, persons considered politically unreliable are barred from professional positions and forced into menial, low-paid jobs such as coal stokers and nightwatchmen. The International Labor Organization has condemned this practice.

d. Minimum Age for Employment of Children

The minimum age for full-time employment is 16, although younger persons may accept part-time employment. The law is effectively enforced.

e. Acceptable Conditions of Work

The average workweek is 42.5 hours. Beyond 45 hours, workers are paid overtime, and there are additional bonuses for some shift and weekend work. The retirement age is 57 years for women and 60 years for men. The average pension is 55 percent of the average wage, an amount which can be insufficient to meet a citizen's needs if not supplemented from other sources. A welfare system does exist to supplement these resources if need can be demonstrated.

There is a nominal labor shortage induced by low productivity and the underutilization of the labor force. The need for unskilled and semiskilled labor is filled in part by workers from other Communist countries.

Working conditions appear generally acceptable, although far less attention is paid to occupational safety and health than in most advanced industrial economies. The problem of environmental pollution, especially in heavily industrialized

areas and in industries in which environmental safeguards have been neglected, has become acute for the working population.

Czechoslovakia does not have a state-wide, legally mandated minimum wage. However, individual ministries establish wage scales of economic enterprises. Workers appear to be able to secure minimally acceptable standards of living for themselves and their families based on these wage scales.

Amendments enacted on December 14 to the labor code generally strengthened the powers of management, which now may: terminate a worker's employment with 2 months' (instead of 6 months') notice, giving no reason; terminate a worker's employment for any serious infringement of work discipline (instead of for major or repeated infringements); search the work force coming to and leaving work; check for alcohol intoxication and drug use; reduce workers' wages for producing substandard products; extend a worker's probationary period from 1 to 3 months; and determine independently timework, piecework, and other wages, bonuses, and rewards. The Labor Ministry is to fix stricter criteria for time off from work. Under the amendments, workers are eligible for leave after 60 days on the job instead of 5 months, and maternity leave without pay is lengthened to 3 years.

DENMARK

Denmark is a constitutional monarchy with a strongly established tradition of democratic parliamentary rule. Queen Margrethe II is titular Head of State; her role is mainly symbolic. A cabinet headed by the Prime Minister and accountable to the unicameral parliament (Folketing) has responsibility for government decisions. Since late 1982, Denmark has been governed by a minority coalition led by Prime Minister Schlueter's Conservative Party. The coalition is dependent on support from other parties to maintain a parliamentary majority.

An advanced industrial state, Denmark has a mixed economy combining private and public ownership. Personal freedoms and the right to pursue private interests and to hold private property are protected by law and respected in practice. Deeply rooted democratic principles, a strong egalitarian tradition, a lively press, and highly developed education and social welfare systems have made Denmark a leading defender of human rights in the world.

Human rights are highly respected and well protected in Denmark, both in principle and in practice. Any citizen who feels wronged or unreasonably treated by any Danish national or municipal authority may appeal to the Folketing's Ombudsman. Internationally, Denmark participates actively in a number of commissions concerned with the protection and preservation of human rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no political killings.

b. Disappearance

There were no abductions, disappearances, secret arrests, or clandestine detentions.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There was no torture or inhuman treatment. A rehabilitation and research center for torture victims established in Copenhagen in 1983 treats patients in the refugee community.

d. Arbitrary Arrest, Detention, or Exile

No person in Denmark may be deprived of personal liberty without due process of law. Arrested persons must be taken before a judge within 24 hours of detention. The judge has the authority to determine custody or release pending trial. The Constitution provides for bail. Arrestees have access to legal counsel of their choice or court-appointed attorneys. Non-Danish speakers are given interpreters at government expense. There are no exiles.

With regard to forced or compulsory labor, see Section 6.c.

DENMARK

e. Denial of Fair Public Trial

Trials are generally public; judges are allowed to make exceptions to this rule only in certain circumstances, such as paternity and divorce trials. In criminal cases, trials are only closed when it is necessary to protect the victim's privacy, such as in rape or child molestation cases, or when deemed necessary to protect a witness' identity. The rights of the accused are carefully protected. Indigent defendants have the right to an attorney at government expense and are free to change this attorney. Defendants have the right to be present, to confront witnesses, and to present evidence. They enjoy the presumption of innocence and have the right of appeal to a higher court. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits searches of the home, seizure and examination of papers, and breaches of the secrecy of communications in the absence of a judicial order, unless a particular exception is provided for by statute. These provisions are respected in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Denmark is a free and open society. A person may express an opinion in written or oral form on any matter, subject only to being held responsible in court for libel or malicious slander. Criticism of the Government is not a punishable offense. Academic freedom is respected. There is no censorship. Media representatives and private persons make full use of the freedom of expression. Television and radio have long been run by one state-owned company, but the Government does not exercise direct editorial control; programs critical of the Government appear regularly. A second nationwide television channel, privately run and one-third subsidized by the Government, opened in 1988. Private groups, principally the largest trade union, operate local low-cost radio and television stations throughout Denmark.

b. Freedom of Peaceful Assembly and Association

Danish residents are free to assemble and form associations for any lawful purpose. Permits are required for public meetings and are routinely given. Police are entitled to be present at public meetings or demonstrations which could endanger the public peace. All organizations are permitted relations or affiliations with recognized international bodies in their fields.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Under the Constitution, the Evangelical Lutheran Church is the state church. However, religious freedom is guaranteed to all. No religion is banned or discouraged; conversion is unrestricted. No one may be discriminated against for religious beliefs. Missionaries are freely allowed entry but restricted in practice from staying more than 2 years. A

number of foreign clergy serve expatriate and Danish congregations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Danes have complete freedom to travel into, out of, and within Denmark. Danish authorities refuse to forcibly repatriate refugees to a country in which they have a reasonable fear of persecution. Measures designed to protect the rights of potential refugees or asylum seekers include the establishment of a Refugee Board and guaranteed access to legal counsel and interpreter service.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Prime Minister is appointed by the reigning monarch after consultation with the political parties represented in the Folketing. The Folketing's 179 members are elected in free and open elections under a complex system of proportional representation designed to protect the rights of minority parties and to reflect the popular vote. A political party must get 2 percent of the total vote to obtain representation in the Folketing. Twelve parties competed in the last election (May 1988); eight, with a wide variety of political beliefs, obtained the required percentage and are currently represented. Danes over 18 years of age are allowed to vote. Elections must be held at least every 4 years. The Government also can be dissolved and elections called by a decision of the Prime Minister, a parliamentary vote of no confidence, or the resignation of the government in power.

The territories of Greenland and the Faroe Islands have democratically elected, home rule governments with broad powers encompassing all but foreign and security affairs. They each have two seats in the Folketing. Greenlanders and Faroese are full Danish citizens and enjoy the same level of human rights as in Denmark.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no requests for investigation of human rights violations. Denmark is party to various international human rights conventions that promote and protect human rights. Human rights organizations operate freely. In 1987, the Danish Center of Human Rights, mandated by the Folketing, was established as a private government-funded institution to conduct research and provide information on a broad range of human rights issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Denmark provides food, shelter, health care, and education to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

Danes have successfully eliminated laws and regulations containing sex discrimination provisions. Women hold positions of authority at all levels of society and the political process, though they are somewhat less represented in top-level positions in business and commerce. Women head 4

cabinet ministries and hold 55 seats in the Folketing. Women's average wages in nonagricultural activities in 1986 were 82.3 percent of those of men.

Denmark has displayed a high degree of concern for the rights of the populations of Greenland and the Faroe Islands. Greenland has a special criminal code designed for local customs and conditions. Native Greenlanders freely participate in international ethnic organizations such as the Inuit Circumpolar Conference. Despite periodic disagreements between home rule authorities and the Government, no accusations of human rights violations have been made against the Government.

The growing number of ethnically dissimilar refugees (principally Iranians, Palestinians, Lebanese, and Sri Lankan Tamils) who require shelter, education, and public assistance has contributed to a rise in tensions between native Danes and immigrant groups. Although some politicians have suggested that aliens be obliged to assimilate, most emphasize the need for Danish tolerance of others' culture and religion.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely, and all (except those in essential services and civil servants) have the right to strike. Approximately 85 percent of Danish wage earners belong to unions. Trade unions operate freely domestically and internationally without government interference. They are an essential factor in political life and represent their members effectively.

Greenland, an autonomous island with the Danish realm, has the same respect for worker rights, including full freedom of association, as does continental Denmark.

b. The Right to Organize and Bargain Collectively

Workers and employers acknowledge each other's right to organize. Collective bargaining is widespread. Salaries, benefits, and working conditions agreed on in biennial negotiations between the Danish Employers' Confederation and the Danish Trade Union Federation, which has 1.4 million members (half of Denmark's labor force), are used as guidelines by the rest of the labor market. In case of disagreement, an issue may be referred to a labor court, made up of representatives of management, labor, and an independent member. The decisions of the court are binding. Labor legislation and practice are uniform throughout Denmark and Greenland.

Labor relations in Greenland are conducted in the same manner as in Denmark. Working conditions are negotiated through collective bargaining, usually led by the largest Greenlandic union, SIK, which represents approximately 8,000 workers, or practically the entire indigenous salaried work force (out of a total of 23,000 wage earners). In the case of labor disputes, the Greenlandic courts are the first recourse, but the parties in dispute may also avail themselves of Danish mediation services or of the Danish labor court.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited and does not exist.

d. Minimum Age for Employment of Children

The minimum age for full-time employment is 15. The law, which is observed in practice, describes in detail specific limitations applicable to work which may be performed by those between 15 and 18 years of age.

e. Acceptable Conditions of Work

Danish law prescribes acceptable conditions of work, including safety and health; the general duties of employers, supervisors, employees, and suppliers; the performance of work; rest periods and rest days; and medical examinations. The law also provides for a labor inspections service which ensures compliance with labor legislation. There is no minimum wage, but the lowest hourly wage level set in any national labor negotiation is roughly equal to $9.00, which provides a decent standard of living. Danes are guaranteed 5 weeks' vacation per year. In 1988, the workweek was reduced to 38 hours.

Similarly, wages, hours, vacations, and work conditions are negotiated by means of collective bargaining in Greenland. The pattern is similar to that of Denmark with some variations because of different levels of development. A major issue in collective bargaining negotiations within Greenland is the wage differential between indigenous and temporary Danish workers which arises because of the need to attract skilled workers from Denmark. This differential is being discontinued. Another major difference is that no unemployment compensation is paid in Greenland unless a collective bargaining agreement specifically includes it. The Greenlander's tradition of spending part of his work year in hunting and fishing has slowed the evolution of the concept of unemployment. Because of this phenomenon and the lack of resources, Greenland has postponed establishing a legislatively mandated unemployment compensation system.

ESTONIA

Estonia was an independent state between the two World Wars but was annexed by the Soviet Union in 1940 as a constituent republic of the Union of Soviet Socialist Republics (U.S.S.R.). The United States does not recognize the forcible incorporation of Estonia into the U.S.S.R.

Like the other Baltic states, Estonia is generally subjected to the same centralized rule, the same constitution and judicial system, and the same restrictions on civil and political liberties as in the Soviet Union. Nevertheless, taking advantage of the policies of "glasnost'" (openness) and "perestroika" (restructuring) adopted by General Secretary Mikhail Gorbachev, Estonians in 1988 became outspoken in expressing their resentment of Soviet policy in Estonia and in demanding national, civil, and human rights. This burgeoning activity culminated in the declaration in November by the Estonian Supreme Soviet (parliament) that its laws superseded those of the U.S.S.R. Supreme Soviet. It also passed laws emphasizing its control over all areas except defense and foreign policy. The Presidium of the U.S.S.R. Supreme Soviet rejected the Estonian legislature's actions as inconsistent with the Soviet Constitution.

Concerned about the survival of Estonia as a distinct nation, the Estonian Supreme Soviet voted to make Estonian the language of Estonia and to legalize the flag of independent Estonia. Because of a low birthrate and an official settlement policy that has resulted in an influx of non-Estonian settlers, the ethnic Estonian proportion of the total population has dropped from 92 percent in 1939 to approximately 60 percent. Estonian organizations in 1988 pressed for a policy to discourage or stop such an influx.

The standard of living in Estonia is higher than the Soviet average, but the margin is shrinking. Estonians resent the fact that too much of the national income they generate is transferred to other republics and that most major economic enterprises are directly controlled by central ministries located in Moscow. They also complain of the declining quantity and quality of food supplies and consumer goods. The Soviet Politburo in April decided to grant Estonia more autonomy over a portion of its economy, but neither the extent nor the forms of local control were made clear.

The human rights situation in Estonia improved markedly during 1988. Although some human rights violations by the Soviet authorities continued, particularly against advocates of independence for Estonia, unprecedented public expressions of Estonian national sentiment and independent political views were tolerated by the authorities in 1988. The People's Front in Support of Perestroika, a political movement that included many leaders of the Estonian Communist Party and Government, was founded in October and became very active. Changes in the Soviet legal code, which could affect some laws and regulations used to repress legitimate political activity, remained under discussion but were not implemented during 1988.

ESTONIA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reported cases of political killing in 1988.

b. Disappearance

There were no known instances of permanent or prolonged disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In Estonia, as in the Soviet Union, cruel and inhuman treatment of prisoners occurs during both interrogation and confinement in labor camps, prisons, or psychiatric hospitals. Physical and psychological abuse of prisoners is common, as is detention under extremely unhealthful conditions.

d. Arbitrary Arrest, Detention, or Exile

Soviet laws are written and interpreted so broadly that persons may be arrested and convicted for trying to exercise their basic human rights. During 1988 the authorities rarely used these laws to arrest political activists, so that the ability of Estonians to express their views and to criticize the Governments in both Tallinn and Moscow improved significantly. Nevertheless, a number of persons were detained in February for participating in various demonstrations. Most were released almost immediately, but Sivert Zoldins was detained for distributing leaflets on February 2 and held without trial until he was released in July. Former political prisoner Heino Ahonen and several other human rights activists left Estonia in early 1988 under pressure from the authorities, including threats of criminal prosecution. Such threats and pressures were rarely used during the latter part of 1988, according to human rights activists, although some advocates of Estonian independence were questioned by the authorities about the formation of the Estonian National Independence Party. At year's end, there were no reports that anyone had been arrested for political reasons in the latter part of 1988.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Despite provisions for judicial objectivity in both the Estonian and Soviet Constitutions, the State completely controls the judicial process and, in political cases, arbitrarily decides the outcome of all trials to suit its requirements. No rights of a defendant override the compelling "interests of the State." Some Estonian public figures spoke out in 1988 for strengthening the rights of defendants in Soviet trials, but it is as yet unclear whether or how such reforms might be implemented. There were no known convictions on purely political charges in 1988. Political prisoners Mart Niklus and Enn Tarto, both sentenced in the early 1980's to 10 years' imprisonment and 5 years' internal

exile on charges of "anti-Soviet agitation and propaganda," were released and allowed to return to Estonia in 1988.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in personal life is pervasive through the use of informers, mail censorship and confiscation, electronic monitoring of telephones, and other means. Contacts between Estonians and visitors from foreign countries continue to be monitored, but the authorities facilitated a considerable increase in such contacts during 1988. It is not clear whether interference with mail and telephonic communications diminished during the year, but Estonians seem less fearful about using these means of communications to express their views.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties on condition that their exercise does not threaten the security of the Socialist system. The Estonian Supreme Soviet voted on November 16 to amend the first article of the Estonian Constitution to include the provisions of the United Nations Covenant on Civil and Political Rights, as well as other internationally recognized international human rights instruments, as "an inseparable part of the legal systen of the Estonian Soviet Socialist Republic." Unlike most other constitutional amendments adopted on November 16, this provision was not declared by the U.S.S.R. Supreme Soviet's Presidium to be inconsistent with the Soviet Constitution.

In practice, the authorities interpret these constitutional guarantees to fit the convenience of the State. While glasnost' has expanded the ability of official and unofficial writers to explore heretofore taboo subjects and to spotlight economic and social problems, these opportunities are still subject to self-censorship and to limits which have not been stabilized or defined. Over the course of 1988, these limits appeared to expand considerably both with regard to personal expression and to the range of items appearing in the official press.

In June the formerly banned flag of the independent Estonian republic was officially proclaimed by the Estonian Supreme Soviet to be the Estonian national flag. For the first time since the Soviet occupation of Estonia in 1940, Estonian print and electronic media carried frank discussions of Estonian history and Estonia's status as a Soviet republic. The 1939 Molotov-Ribbentrop Nonaggression Pact between Nazi Germany and the Soviet Union, together with the secret protocols that became the basis for the Soviet occupation and annexation of the three Baltic states, were published in the Estonian press for the first time in 1988.

Estonian radio provided live coverage of the founding congress of the Estonian People's Front held in October, at which several speakers strongly criticized the Communist Party's monopoly on power and the role of the Soviet military in Estonia. The official press published numerous documents and resolutions of the People's Front, the Council of Estonian Cultural Unions, and a youth forum, which called for human rights, self-determination, and a multiparty system. The media provided extensive coverage of ecological issues, and at

least two papers reported on a demand by the "Green" movement for the resignation of the Prime Minister.

In general, however, criticism of the party leadership and demands for Estonian independence are still considered by most journalists to be off-limits. Virtually all Estonian newspapers, magazines, journals, and books remained under the control of the Communist Party, although the newly organized People's Front published a bulletin that was reportedly not censored by the authorities. Knowledgeable observers report that the Estonian-language media were much more forthright than the Russian-language media in reporting on social and political developments in Estonia, especially during the first half of 1988.

b. Freedom of Peaceful Assembly and Association

The peaceful assembly of citizens is controlled by the authorities, who retain the power to prohibit public gatherings. Basic guidelines concerning the authorization and holding of demonstrations and meetings are contained in a July 28, 1988, decree of the Presidium of the U.S.S.R. Supreme Soviet. Unlike other Soviet republican legislative bodies, however, the Estonian Supreme Soviet declined to adopt implementing legislation on the model of the Russian Soviet Federated Socialist Republic. Estonian Communist leaders also publicly stated that they saw no need to implement another U.S.S.R. Supreme Soviet decree, providing for the use of special Ministry of Internal Affairs troops to quell public disorders.

When the U.S.S.R. Supreme Soviet confirmed these decrees of its Presidium--on demonstrations and on the use of special internal affairs troops--a deputy from Estonia made an unprecedented speech in opposition to the decrees. Deputies from Estonia were among a handful of Supreme Soviet deputies who voted against confirmation of the decrees, the first time in recent history that the U.S.S.R. Supreme Soviet did not act "unanimously."

In practice, the people of Estonia were allowed to hold the largest mass meetings and demonstrations in recent Estonian history as the authorities' approach to such gatherings evolved over the course of 1988. The authorities reacted with hostility to a February 2 demonstration in Tartu to commemorate the 1920 peace treaty between the Soviet Union and independent Estonia in which the Soviet Union renounced any territorial claims against Estonia. Leading participants of that demonstration were subsequently pressured to leave Estonia. Tallinn demonstrations to mark the 70th anniversary of Estonian Independence Day (February 24) and the March 25 anniversary of Stalinist deportations from Estonia were also met with some harassment from the authorities.

The situation was considerably different, however, when the People's Front organized a mass meeting on June 17 at the Tallinn song festival grounds to discuss the Estonian delegation's platform for the XIXth Soviet Communist Party Conference. Over 100,000 people gathered peacefully, with the cooperation and support of the authorities, and the meeting was attended by Estonian delegates to the party conference. Several thousand Estonians also gathered peacefully in Tallinn August 23 to commemorate the 49th anniversary of the Molotov-Ribbentrop Pact at a meeting organized by the People's Front and at a separate demonstration organized by independent

associations including the Estonian National Independence Party. As many as 300,000 people reportedly converged for a festival of patriotic songs and an outpouring of national political expression under the sponsorship of the People's Front on September 11.

The People's Front held its own officially sanctioned founding congress on October 1-2, attended by more than 3,000 delegates from Estonia as well as political activists from various parts of the Soviet Union and hundreds of Soviet and foreign journalists. Throughout the summer and early fall, members of the Estonian National Independence Party and other human rights activists maintained a regular picket and information post in front of the Tallinn Supreme Court building to demand the release of political detainee Sivert Zoldins and long-term political prisoners Mart Niklus and Enn Tarto. The picketers initially encountered some harassment and official press criticism, but they were not prevented from carrying out their activities. The authorities eventually met the picketers' demands, first by releasing Zoldins in July and subsequently by freeing Niklus and Tarto in the early fall.

The Constitution provides for the right to associate in public organizations, but this right has been limited by legislation and practice. There was some harassment of human rights activists, religious nonconformists, and independence advocates early in the year. Later, the authorities tolerated the activities of a wide range of unofficial groups. While exercising control over the official mass organizations, the authorities acquiesced in the rapid growth and development of the Estonian People's Front as an independent political organization. The Estonian Supreme Soviet voted November 16 to add several references to the role of "social movements" such as the People's Front to the Estonian Constitution. These provisions were not challenged by the Presidium of the U.S.S.R.'s Supreme Soviet when it declared other Estonian constitutional amendments to be inconsistent with the Soviet Constitution.

While many leaders and members of the People's Front are in the Communist Party, the People's Front maintains that it is not subordinate to the party and that it has some 100,000 members. It has taken stands on many issues which differ from official party positions. It called for Socialist democracy and pluralism, political and economic sovereignty for Estonia, cultural autonomy, and the protection of citizens' rights.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although the Soviet Constitution provides for the right to profess, or not to profess, any religion, both the party and Government promote atheism. As in the Soviet Union, the regime adopted a less confrontational posture toward organized religion in 1988 than in previous years. For the first time in the postwar period, Christmas was celebrated in Estonia as an officially sanctioned holiday. The Archbishop's Christmas eve service at the Tallinn cathedral was shown on Estonian television. There were indications that new Soviet legislation may ease some restrictions on religious associations, and that the Estonian authorities may adopt separate legislation which takes account of local conditions.

ESTONIA

Despite the regime's more tolerant attitude toward religious believers, Lutheran and other pastors were nevertheless called in for questioning about activities related to political or nationalist causes. The authorities did not cease their efforts to harass and suppress numerous unregistered Baptist, Pentecostalist, and other religious groups, including members of the small "Word of Life" church. At least two religious believers were imprisoned because of their refusal to perform military service.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor respected in practice. The right to emigrate by choice is not recognized by Soviet law. Travel abroad for family reunification or family visits is limited by restrictive legislation and arbitrary enforcement, although bureaucratic procedures seem to be less cumbersome in Estonia than in the Soviet Union as a whole. Many Soviet Jews in Estonia were reportedly denied permission to emigrate in previous years, and the vast majority of Estonians are still not even allowed to apply.

Nonetheless, the upsurge in Soviet Jewish emigration has had a positive effect on Jewish emigration from Estonia as well. A number of Pentecostalists were also granted permission to emigrate. The number of Estonians allowed to visit relatives and friends in the United States, and the number of United States citizens formerly residing in Estonia who were allowed to return as visitors rose considerably. Several Estonian activists, including former political prisoner Heino Ahonen, were encouraged to depart Estonia for the West under pressure from the authorities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people of Estonia, as those of the Soviet Union, are not free to change government leaders or the system of government. For the first time in recent Estonian history, however, Soviet authorities were prepared to tolerate a great deal of political activity conducted outside the framework of the Communist Party. The most striking example of such activity was the development of the People's Front, which quickly attained semiofficial status and qualified endorsement from the party leadership. A small group of former political prisoners and other activists, many of whom had previously been active in the Group for the Publication of the Molotov-Ribbentrop Pact in Estonia, were also able to form an Estonian National Independence Party.

Early in 1988, many Estonians outside the Communist Party began to articulate proposals for Estonian "sovereignty," economic autonomy, Estonian citizenship, and official recognition of Estonian as the state language. At the time, the Estonian Communist leadership opposed such proposals and vigorously attacked the upsurge in glasnost'. Even in the absence of democratic political institutions, popular discontent played a role in the June replacement of the Communist Party First Secretary in Estonia. New First Secretary Vaino Valjas was quick to adopt many proposals which had originally put forward by groups and individuals from outside the party structure. Popular opposition to former Estonian Prime Minister Bruno Saul, including the "Green"

movement's publicly stated demands for Saul's resignation, almost certainly played a role in Saul's November replacement by former Communist party ideology Secretary Indrek Toome.

The stated goals of party leaders are to enhance Estonia's political and economic "sovereignty" within the structure of the Soviet Union, to enhance the role of Estonian as the official language of the republic, and to establish some form of Estonian citizenship. The leadership also claims that it would like to see a stronger role for elected government bodies, including local and republic soviets (councils), and they have not ruled out the possibility of nonparty candidates for government offices.

In a culmination of such efforts, the Estonian Supreme Soviet in November declared the supremacy of its laws over those of the U.S.S.R. It amended its laws and Constitution so as to control its land, resources, banks, enterprises, and housing. It also passed laws to exercise control in all areas except defense affairs and foreign policy. The U.S.S.R. Supreme Soviet retorted that the Estonian legislature's actions were inconsistent with the U.S.S.R. Constitution. In December the Estonian Supreme Soviet amended the Estonian Constitution to make Estonian the official language of the Republic. Amid an intense debate between representatives of the Estonian and Russian-speaking populations, the Supreme Soviet deferred consideration of a more detailed language law until 1989.

Women, in general, do not play a large role in the Estonian Communist Party or in political activities. Two exceptions are Marju Lauristin, a leader of the People's Front, and Lagle Parek, a leader of the Estonian National Independence Party.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Soviet Government has adopted a more forthcoming approach to foreign criticism of its human rights record, acknowledging problems and stating the desire to make Soviet society more "humane." It has also acknowledged that human rights are a legitimate subject of official multilateral and bilateral contacts.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of race, sex, or other grounds is prohibited in the Constitution. Tensions between ethnic Estonians and Russians are always near the surface in Estonia, and in 1988 these tensions were expressed in public debate over a number of issues. Ethnic Estonians increasingly expressed their concern that they are subjected to discrimination in their own homeland. They complained that they could not always conduct business in their own language and that "migrants" from the Soviet Union receive favored treatment in the provision of housing and other social services.

Fundamentally, Estonians also voiced their concern that important decisions affecting Estonia's economy and ecology were been made by Estonians themselves. These concerns led to the proposals, accepted by Estonian Communist Party leaders, to make Estonian the official language, to establish criteria for Estonian citizenship, to take measures to discourage

immigration, and to move toward full economic autonomy. Some Estonians also suggested that economic and other incentives should be offered to encourage "re-migration" of non-Estonians to the Soviet Union.

Ethnic Russians and other Russian-speaking residents of Estonia were generally concerned by proposals for Estonian language and citizenship laws, fearing that they would be disenfranchised or converted into second-class citizens. They were also concerned by mass outpourings of Estonian national sentiment and the rapid rise of the People's Front, whose membership is predominantly ethnic Estonian. Russian speakers already complain that it is not always possible to conduct their business in Russian, and they argue that it would be unrealistic to institute the use of the Estonian language in cities such as Narva, which have an overwhelmingly Russian population. Some Russian residents of Estonia formed an "International Movement," calling for establishment of both Russian and Estonian as official languages of Estonia and opposing many of the positions favored by the People's Front. Some Russian workers in Estonia tried to strike in protest against Estonian national sentiment, but the effort was not successful. A planned November 15 strike at Tallinn's large All-Union factory, encouraged by the factory directors themselves to protest growing Estonian national activism, failed to materialize when both Russian and Estonian workers refused to participate.

In response to debates between ethnic Estonians and the Russians, which were characterized by the circulation of rumors and inflammatory leaflets, the People's Front organized a "forum of peoples" in September. The forum brought together representatives of various ethnic groups in Estonia and adopted statements calling for "cultural autonomy" for Estonia's minority populations. Despite such efforts, however, ethnic tensions remained significant.

Women nominally enjoy the same legal rights as men, and an extensive system of day-care service and maternity benefits assists women in obtaining and retaining jobs. In general, however, women hold less remunerative positions than do men in the same professions.

Section 6 Worker Rights

a. The Right of Association

Soviet labor law and practice are enforced in Estonia. There is no right of association as defined by the International Labor Organization. Although the Constitution grants Soviet citizens the right to form trade unions, any attempt to exercise this right independently of the state-controlled unions is repressed. Workers do not have the right to strike, and past attempts to call strikes at state enterprises have been denounced by local officials.

b. The Right to Organize and Bargain Collectively

Workers in Estonia may not organize or resort to collective bargaining. There are no economic incentive zones or special industries in which labor standards differ from those elsewhere in Estonia.

ESTONIA

c. Prohibition of Forced or Compulsory Labor

Most prisoners are confined to camps where they are forced to labor, often under harsh and degrading conditions.

d. Minimum Age for Employment of Children

The statutory minimum age for employment of children is 16, and the standard workweek is 40 hours. There is no indication of widespread violations of these norms.

e. Acceptable Conditions of Work

Labor conditions in Estonia are similar to those in the Soviet Union. According to the Soviet State Statistical Committee, the average monthly wage in the U.S.S.R. for blue- and white-collar workers in mid-1988 was $350 and for collective farm workers $250 at the official rate of exchange. The minimum monthly wage in the U.S.S.R. was $132. (The ruble is not a convertible currency, and its value here in terms of the U.S. dollar does not represent actual pruchasing power for international purposes.) Although specific information is not available, average wages in Estonia are believed to be higher than average wages in the U.S.S.R. as a whole.

The average workweek is 40 hours for most white-collar workers and 48 hours for most blue-collar workers. Soviet law establishes minimum conditions of health and safety. Press reports suggest, however, that the laws on maximum hours of work and health and safety standards are widely ignored.

FINLAND

Finland is a constitutional republic founded upon the principle of the rule of law. It is a parliamentary democracy with sovereign power vested in its citizens as represented by their elected delegates to Parliament. The President, also elected by popular vote, exercises the executive power. The Cabinet, consisting of the Prime Minister and 17 ministers and responsible to Parliament, assists the President in governing the country. Four political parties form the governing coalition, headed by the Conservative Prime Minister. Judicial power is exercised by an independent judiciary consisting of the Supreme Court and Supreme Administrative Court.

The Finnish security apparatus is controlled by elected officials and supervised by the courts.

Finland has a mixed economy with state-owned, privately owned, and publicly owned companies. Citizens are free to pursue their legitimate private interests, hold private property, and engage in economic activity without government interference. National minorities and women enjoy the same economic and political rights as the Finnish majority and men respectively.

During 1988 there were no reported violations in Finland of fundamental human rights. Finland is pursuing full membership of the Council of Europe (COE) which should occur early in 1989. In that endeavor, Finland may need to make limited adjustments to its human rights legislation in order to make it consistent with that of the COE member countries. A Finnish parliamentary delegation visited the COE headquarters in Strasbourg in September 1988 in order to determine the specific changes required in Finnish legislation.

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killings for political motives did not occur.

b. Disappearance

There were no reported cases of disappearances, abduction, or clandestine detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and other cruel, inhuman, or degrading treatment or punishment is guaranteed by law and respected in practice. Prisoners are treated justly with respect for their human dignity and without distinction on the basis of race, sex, language, nationality, religious or political conviction, social position, wealth, or any other grounds.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest, imprisonment, or exile is guaranteed by law and respected in practice. A reform of pretrial procedures was adopted by Parliament and took effect on January 1, 1989. It shortened the maximum possible detention period from 17 days to 7 days and permits the

accused access to a lawyer during that period. The current law, in effect as of January 1, 1989, achieves uniformity with the practice in other Western countries.

A court hearing must take place within 8 days of notification of the arrest, if in a city, or within 30 days, if the arrest occurs in rural areas. The circumstances of the arrest are subject to judicial review at the time the accused is brought to trial. Should the arrest be found to have been incorrect, or should the accused be found innocent, an application to the same court for civil damages for loss of freedom may be made.

Habeas corpus and bail do not exist as such in Finland. Those charged with serious crimes must remain in custody while those charged with minor offenses may be released on personal recognizance at the court's discretion.

Preventive detention is authorized only during a declared state of war for narrowly defined offenses, such as treason, mutiny, or trafficking in arms. Supervisory personnel from the Ministry of Justice and the Ministry of the Interior--as well as the Parliamentary Ombudsman and the Chancellor of Justice--have authority to enter prisons and to order the release of prisoners held without charges. Exile is prohibited by law in Finland.

New legislation on the status of conscientious objectors to Finland's obligatory military service took effect in 1987 for a trial period of 5 years. It grants the Finnish citizen the option of serving in the military or becoming a conscientious objector. The law both abolished the Investigative Board (which decided whether to confer the status of conscientious objector) and set the period of alternative civilian service for conscientious objectors at 16 months (twice the minimum length of military service). Jehovah's Witnesses are exempted from military service altogether under the new law.

A small but growing number of total objectors, i.e., those who do not accept even unarmed alternative service, on the grounds that it is part of the total system of national defense and thus militaristic, have been sentenced to prison. As of October 1988, 10 objectors were serving an approximate 1-year sentence in jail, some 30 more had been sentenced to jail, and another 30 were awaiting trial.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair and public trial by an independent judiciary is guaranteed by law and respected in practice. Finnish citizens and aliens legally present in Finland have the right to effective counsel. The State pays legal fees for the indigent defendant. Charges must be clearly stated. Civilians may not be tried by military courts except in time of war. There are no separate "security" courts in Finland. Local courts may elect to exclude the public in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger the security of the State. In "national security" cases, the judge may restrict the release of information pertaining to charges, verdicts, and sentences. Sanctions may be imposed by the court if such information is divulged to the public. The Constitution prohibits provisional tribunals.

FINLAND

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy and the sanctity of the home, including prohibition of eavesdropping and mail tampering, are guaranteed by law and respected in practice. There is no forced political membership. The activities of the security police are subject to judicial scrutiny.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An effective judiciary, an independent press, and a functioning democratic political system ensure freedom of speech, an open broadcast media, numerous publications, and extensive academic freedom. There have been no instances of abuse or legal decisions restricting freedom of the press. While the press occasionally exercises restraint in treating issues potentially harmful to the national interest, it is under no pressure from the Government to do so.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is provided for by the Constitution. However, only Finnish citizens may belong to associations whose primary purpose is to influence political issues. Police must be informed before public demonstrations are held.

The Government encourages the formation of voluntary organizations and subsidizes private groups formed in pursuance of a public purpose. There is no restriction on these organizations maintaining relations with groups in both communist and Western countries. Nevertheless, the Government's permission to operate is required when foreign membership exceeds one-third of the total.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Finland has two state religions: Lutheran and the Orthodox Church in Finland. Persons are free to pursue their religious beliefs. Schools provide education in both religions. Taxes are collected by the Government from citizens to support these churches. Other Christians, Moslems, and Jews enjoy unrestricted freedom of worship. Approximately 89.5 percent of the population belongs to the Lutheran Church. Discrimination in employment because of religious affiliation does not exist in Finland.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Finnish citizens may travel within Nordic countries--Finland, Sweden, Norway, Denmark, and Iceland--without passports. They need not apply for exit visas for travel to other countries. Over 200,000 Finns have emigrated to Sweden in the past two decades--mainly to seek employment--but over one-half of them have returned. Net emigration is decreasing. No restrictions have been placed on emigration or repatriation.

FINLAND

Debate occurs sporadically on the criteria which the Finnish Government applies when deciding to grant political asylum. The Government maintains that, "in accordance with the Geneva Agreement, Finland gives asylum to individuals arriving (in Finland) who have the characteristics of refugees as determined by the agreement."

The number of persons applying for political asylum in Finland is low: about 20 per year. In 1987 Amnesty International (AI) submitted to Finnish authorities a memorandum in which it noted 12 Soviet citizens were repatriated by Finland between 1959 and 1982; that all were arrested after their return; and that two were still in prison. AI was concerned that Finland does not appear to have uniform rules of procedure. The Ministry of the Interior denied any agreement with the Soviet Union to repatriate asylum seekers but said it would look into the matter seriously. At the same time, the Government issued written instructions translated into several languages for the use of aliens who potentially might apply for political asylum. Of the 49 persons applying for political asylum in Finland in 1987, 15 were deported, 6 withdrew their applications, 15 were granted residence permits, and 13 were given asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Finland is a multiparty, parliamentary democracy in which citizens over the age of 18 freely elect representatives to the 200-member Parliament from among multiple lists of candidates who represent a wide spectrum of political ideologies. Currently, there are seven political parties and an environment-oriented group known as The Greens represented in Parliament. National and local elections take place every 4 years, presidential elections every 6 years. Should none of the presidential candidates receive an absolute majority of votes cast, a 301-member electoral college elects the president.

The country has the longest tradition of women's suffrage in Europe, and there are at present 63 female representatives in Parliament and four female Cabinet ministers. While any Member of Parliament is free to introduce legislation, bills are generally submitted by the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Within Finland, several organizations monitor human rights performance, including the Finnish Red Cross, the government-sponsored Equality Council, the Women's Rights Union, and Amnesty International. A Finnish Helsinki Watch group was established in July 1985 to monitor compliance with the provisions of the Helsinki Final Act, but it has not been very active. In connection with the Swedish-language University in Turku, a Human Rights Institute was founded in early 1985. It conducts human rights research and studies and distributes human rights information. Finland participates actively in international human rights organizations.

Section 5 Discrimination Based on Race, Religion, Sex, Language, or Social Status

;d, shelter, health care, and education are available to all

inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

To redress existing inequities between the sexes, the government-established Council for Equality and an Equal Rights Ombudsman monitor compliance with current legislation to ensure that the needs of women as workers, mothers, widows, and retirees are met. A surname law which permits women to retain their maiden names after marriage took effect in January 1986. The same law provides that the husband may take his wife's name. Finnish marriage legislation was amended in 1988 to provide for a more equitable distribution of property in case of divorce or death.

Government statistics indicate that in 1988 women's wages and salaries as a percentage of those of men increased slightly and has now reached almost 80 percent. Total female participation in the labor force continues to increase and during the last quarter of 1987 registered almost 65 percent. Male participation in the labor force remained nearly the same as in 1987, i.e., about 71 percent.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to strike. Trade unions enjoy a protected status and play an important role in Finnish political and economic life. While a one-million-member blue-collar confederation--the Central Organization of Finnish Trade Unions (SAK)--dominates the trade union movement, three other central organizations provide membership opportunities to white-collar, professional, and technical employees. Finnish trade unions are independent of the Government and are democratically organized and managed. Most unions maintain strong relations with their Nordic counterparts. The SAK and one white-collar confederation are members of the International Confederation of Free Trade Unions (ICFTU). Two affiliates of the SAK have ties to Communist-dominated trade union internationals. Finnish trade unions participate in the International Labor Organization.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is protected by law and is exercised extensively in Finland. Over 80 percent of both workers and employers are members of trade unions and employers' collective bargaining associations respectively.

With few exceptions, all collective agreements since 1968 have been based on incomes policy agreements between central employees' and employers' organizations and the State. The central agreement covers the general level of wage and salary increases, other terms of employment, and a "social policy package" which provides for vacation, holidays, sick pay, maternity and paternity leave, travel costs, taxes, rents, etc. Labor legislation and practice are uniform throughout Finland.

As of January 1, 1988, Finland had ratified 76 ILO conventions many of which, in addition to local legislation, provide protection against antiunion discrimination and which encourage trade union organization.

FINLAND

c. Prohibition of Forced Labor

Forced or compulsory labor does not exist in Finland.

d. Minimum Age for Employment of Children

It is prohibited to employ persons under the age of 15.

e. Acceptable Conditions of Work

Although there is no national minimum wage in Finland, national collective bargaining agreements set the "floor" for wages in virtually all employment sectors and for all workers, whether they are members of unions or not. As a result, collective bargaining agreements guarantee minimum wages of about $9.00 per hour at current exchange rates. Extensive legislation protects the worker's health and safety, ensures reasonable working conditions and limits the maximum hours they work. All aspects of Finnish labor law are effectively monitored and enforced by the Ministry of Labor. Compliance with labor legislation in Finland is effected through the Ministry of Social Affairs and Health and the National Board of Labor Protection. Regional and local supervision is delegated to 11 labor protection districts, each employing several inspectors. On the other hand, labor disputes concerning the interpretation of collective agreements are heard by labor courts or by arbitration. General courts of law have jurisdiction over labor disputes not relating to collective agreements.

FRANCE

France is a democratic republic with constitutional provisions for human rights, freely functioning political parties, and regular elections. Voter participation (with universal suffrage) is high. Elections at the local as well as national level are occasions for ideological and topical debate.

France has a highly developed industrial economy with a mixture of public and private enterprises. The Government has decided to halt the previous government's policy of denationalizing key industries, banks, and certain services. The Government also has said that there will be no new nationalizations.

French authorities respect human rights and civil liberties and have taken steps to protect the rights of minority groups. A firm counterterrorist policy has helped to reduce, but has not eliminated, violent incidents perpetrated by small extremist groups. The promotion of human rights is also a principal tenet of French foreign policy. French leaders speak out frequently on worldwide abuses of human rights and often refer to the protection of these rights within France.

The nation's overall human rights record is excellent. At midyear, following national elections, the new Government named a cabinet-level Secretary of State for Humanitarian Action who reports directly to the Prime Minister and is responsible for promoting human rights in France and assisting the Foreign Ministry in international negotiations on human rights issues. Also since 1988, a cabinet-level Minister Delegate for Foreign Affairs has had specific responsibility for international human rights matters. In 1989 the bicentennial of the French Revolution and its Universal Declaration of the Rights of Man will be widely celebrated in France.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The overall incidence of terrorism in France continued to decline during 1988. Corsican separatists killed a policeman early in the year, but an effective response by French internal security forces has since reduced the level of violence on the island. The police also dealt severe blows to the small French Basque separatist movement, and judicial authorities prosecuted members of the leftist Action Directe group, which has been largely quiescent since 1987. Middle East spillover terrorism in France was all but absent during 1988; the major international terrorist incident was the assassination in March of the Paris representative of the African National Congress. French police are investigating the incident but so far have not turned up any conclusive evidence.

b. Disappearance

There is no evidence that French security services have engaged in abduction or secret arrests.

FRANCE

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

France does not condone or practice torture or cruel, inhuman, or degrading treatment or punishment. However, there were several documented cases of police brutality, including the beating of one arrested American citizen. According to official statements, judicial authorities disciplined police officers in some cases and dismissed the allegations as unfounded in others.

d. Arbitrary Arrest, Detention, or Exile

French law guarantees freedom from arbitrary arrest and imprisonment. There is no direct equivalent of habeas corpus in the French legal system, but there is a limit of 2 days--4 in drug and terrorist cases--before a suspect must be transferred to a magistrate for investigation.

The judiciary plays a determining role in the detention process. Government authority to hold a person beyond the prescribed periods is severely restricted, and such detention must be ordered by the competent court.

The Chirac Government--which left power in May 1988--pursued its policy, initiated in 1986, of expelling to Spain certain Basque separatist activists suspected of participating in, or providing logistical support, for the Spanish Basque terrorist organization, Basque Fatherland and Freedom. The Government used a 1945 legal procedure called "absolute emergency," under which it can expel without legal proceedings foreigners suspected of posing a threat to the security of the State.

In general, the Government still sets great store by France's tradition as a refuge for victims of political and religious persecution.

There is no provision for exiling persons. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right of fair public trial is guaranteed by law and respected in practice. Suspects have the right to legal counsel as soon as their cases are transferred from the police to the magistrate. For misdemeanors, pretrial confinement is limited normally to 4 months, with extensions in special circumstances of approximately 8 to 12 months. However, in drug cases (all of which are handled by the courts as misdemeanors), pretrial confinement may be unlimited. For felonies, pretrial confinement is not limited. French law provides for the right of appeal, except in jury trials of felony cases. An appeal to the Cour de Cassation is possible in felony cases, but this court rules only on procedure. No appeal that involves review of the facts of the case is possible.

Trials in France are normally open and public, but provisions exist for the defense to request a closed proceeding. The press has free access to records of court proceedings, although under French law the prosecutor may not disclose information about cases being tried or investigated. There is no evidence that the authorities detain any person for political reasons.

FRANCE

Pending completion of legislative reforms, legal proceedings have been suspended against persons whose requests for conscientious objector status were rejected. There are still some persons, however, serving prison terms imposed prior to 1983 by the now defunct Permanent Tribunals of the Armed Forces because they did not present such requests and refused military service.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from invasion of privacy is guaranteed by French law, and this freedom is respected in practice. The search of a private residence requires a search warrant and must take place between 9 a.m. and 6 p.m. except in special circumstances, such as drug cases, when the search may be undertaken at any time. Telephone conversations may be monitored in conjunction with criminal proceedings with a court order and in national security cases with administrative approval from the agency conducting the investigation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by law and respected in practice. Newspapers and magazines are free from government control and present views ranging across the political spectrum. There are two state-owned and three private television networks, in addition to private cable channels. Private radio stations have operated in France since 1983. Hundreds are now on the air and offer a wide array of independent, uncensored programming.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is widely respected in France, although--except for a specific reference to trade unions--it is not mentioned in the Constitution. Groups wishing to organize public meetings, protest marches, or demonstrations must obtain a permit from the local authorities. Permits are routinely granted for both political and apolitical gatherings. Private associations, whether political or apolitical, must register with the prefecture in the department in which they are established, but they do not require the prefecture's authorization to exist. Such registration is considered routine in France. Informal associations, such as those without officers, bylaws, or dues, need not register.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Roman Catholics comprise by far the largest religious group in France. Separation of church and state is guaranteed by law. All religious groups function freely without persecution. Despite strong initial public opposition to proposed legislation regarding private (largely Catholic) schools, the Government in 1984-85 succeeded in passing compromise educational reform measures which allow public authorities some influence in private school personnel practices. Private and parochial schools receive substantial subsidies from the Ministry of National Education.

FRANCE

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

French law provides for freedom of internal movement, foreign travel, emigration, and repatriation. Arriving refugees, intending emigrants, and intending repatriates can undertake foreign travel and, in most instances, return to France. France has an extensive record of refugee aid and resettlement.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution guarantees the equality of all citizens before the law, without regard to origin, race, or religion. All French citizens of both sexes who have reached majority may vote, except for most convicted criminals, bankrupt persons, and persons certified to be mentally incompetent. These provisions are fully respected in practice.

A wide variety of political parties compete freely in elections. In addition to national, presidential, and legislative elections, there are regularly scheduled local elections. For several years, the Government has been transferring selected powers from the executive branch to locally elected assemblies. Many special interest groups--business, labor, veterans, consumer advocates, ecologists, and others--organize freely and regularly support candidates for elective office.

With regard to the French overseas territory of New Caledonia, representatives of the ethnic Melanesians and European settlers met in Paris with French officials and reached an accord which, among other things, called for a referendum in New Caledonia in 1998 on whether the territory should remain a part of France or become independent. The French Government submitted the accord to French voters in a referendum in November. Those who went to the polls overwhelmingly approved the accord, and a French statute embodying the result became law. However, low voter turnout and rejection of the accord by European voters in New Caledonia left doubts about the law's eventual implementation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

France has traditionally been a leader in the human rights area. Human rights organizations, including Amnesty International and the International Federation for Human Rights, operate freely in France.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The authorities do not condone discrimination based on race, religion, sex, ethnic background, or political opinion. While isolated incidents of racial, religious, or political discrimination occur, particularly against the large immigrant community of Arabs and Africans, authorities consistently condemn such incidents. Food, shelter, health care, and education are available to all inhabitants.

Women have equal status under the law but are engaged in continuing efforts to maintain and strengthen their rights. A cabinet-level Secretary of State for Women's Rights, appointed

in 1988, operates under direct supervision of the Prime Minister. The Government also has taken steps to close loopholes in French legislation on sex discrimination in the workplace and to eliminate sexist advertising. In 1985 it passed legislation to ensure more equality in marriage rights. Local programs to integrate women into the labor market have been implemented. In nonagricultural employment, women's average wage rates in 1986 amounted to 74.9 percent of those of men.

The rights of linguistic and ethnic minorities are protected, whether in metropolitan France or in overseas territories subject to French authority. The right of immigrants legally admitted to France to coexist peacefully without assimilating completely into French culture is recognized. Legislation has been passed simplifying the expulsion of illegal immigrants and tightening immigration procedures. In metropolitan France, authorities have vigorously sought to apprehend extreme rightwing gangs that perpetrated several assaults against members of minority groups, mainly Arabs, in 1987. In New Caledonia, deep-rooted antagonisms between ethnic communities continue to exist, but the 1988 accord between ethnic Melanesians and European settlers on the the status of the territory offers renewed hope for peace.

Section 6 Worker Rights

a. The Right of Association

The Constitution affirms the principle of freedom of labor union association, the right to a job, the right of equal opportunity for education and training, social security, and workers' participation in the operation of the enterprise in which they are employed.

Although only one-fifth of the work force is unionized, trade unions exercise significant economic and political influence. They participate actively in numerous tripartite (government, employer, and worker) bodies dealing with social matters, including labor courts and the Economic and Social Council, a constitutionally mandated consultative body. All unions are technically independent of the political parties, but many leaders of France's largest union, the General Confederation of Labor, belong to the Communist Party. (The General Secretary traditionally is a member of the Communist Party Political Bureau.) Leaders of most other unions are members of one or another faction of the Socialist Party, although members of other parties are also active in the labor movement. All unions and employer associations are active in the International Labor Organization and other international organizations, including all three world trade union confederations.

French workers are free to strike, with a few minor exceptions in cases where strikes are determined to be a threat to public safety.

b. The Right to Organize and Bargain Collectively

Workers have the right to organize and bargain collectively. The principle of free collective bargaining was reestablished after World War II by a law of 1950, with separate statutes applying to public enterprises. The legislation, as amended in 1971 and 1978, encourages collective bargaining at the national, regional, local, or plant level. It sets procedures

for dealing with labor disputes and defines two forms of collective contracts--extendable and ordinary. Amendments added in 1982 require at least annual bargaining on wages, hours, and working conditions at both plant and industry levels. France has no export processing zones, and labor law and practice are uniform throughout the country.

The Government encourages management and labor organizations to negotiate on issues important to public policy--such as adjustment plans for dislocated workers, training, retraining, unemployment compensation, and supplementary retirement schemes. The "social partners" sometimes invite the Government to participate in these negotiations, particularly if legislation will be needed for implementation or if public financing is involved.

The 1950 law sets forth procedures for resolving labor-management disputes. These are frequently arbitrated by labor inspectors. Conciliation boards, composed mainly of management and labor representatives, have proved ineffective. The higher court of arbitration is rarely used. Mediation of wage issues at the national, regional, and local levels has been more successful. Outside mediators, drawn from the upper ranks of the civil service, impose solutions that are binding, unless formally rejected by either side within 8 days. In 1987 some 969,063 man-days of work were lost in France because of strikes, 7 percent less than in 1986.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in France.

d. Minimum Age for Employment of Children

With a few minor exceptions for those enrolled in recognized apprenticeship programs, children under the age of 16 may not be employed. Certain categories of work considered to be arduous and night work (10 p.m. to 5 a.m.) may not be performed by persons under the age of 18 or by women in manufacturing, mining, the public sector, unions, and nonprofit organizations--with the exception of women with managerial responsibilities. This prohibition does not apply to women in commercial establishments, entertainment, or the health sector, since no heavy manual labor is involved.

e. Acceptable Conditions of Work

France has a minimum wage of about $4.45 an hour which is sufficient to provide a decent standard of living. The standard workweek is 39 hours, and overtime is controlled. In general terms, French labor legislation and practice, including that pertaining to occupational safety and health, are fully comparable to those in other industrialized market economy countries. The minimum wage is somewhat less in the overseas departments, and not all social legislation applies in overseas territories.

GERMAN DEMOCRATIC REPUBLIC

The German Democratic Republic (GDR) was created in 1949 as a Communist state out of the Soviet occupation zone of Germany. Approximately 380,000 Soviet troops still are stationed on its soil. The country is ruled by the Communist party, known as the Socialist Unity Party (SED). Four other parties, whose existence is tolerated, have no real power or independence, and the SED leadership makes all important political decisions.

Despite such formidable barriers as the Berlin Wall, deep historical, cultural, linguistic, and family ties remain between the people of the GDR and those of the Federal Republic of Germany (FRG). Concern that such ties and constant exposure to Western values could undermine support for the Communist system is a central reason for the Government's tight control over its population. Control is maintained with an efficient and pervasive security apparatus administered by the Interior and State Security Ministries, which together employ approximately 300,000 people.

The GDR has a highly industrialized, centrally planned economy in which the bulk of industrial and agricultural property is state owned. Although holding private property is permitted, controls are placed on its acquisition, inheritance, and the income derived from it. Small private businesses, which may have up to 10 employees, are being licensed in increasing numbers.

The GDR continues to restrict the fundamental freedoms of speech, press, religion, assembly, and travel. A general amnesty announced in July 1987 resulted in the release of 24,621 persons, including all political prisoners. West German government officials, however, estimate that increased internal security measures subsequently restored the number of political prisoners to preamnesty levels. At the same time, the Government allowed record numbers of GDR citizens, many under retirement age, to make short-term private visits to the West. The FRG estimates that there were 5 million visits by GDR citizens to the West in 1988. The travelers include more than 1,400,000 persons under retirement age. By comparison, only 60,000 persons under retirement age were permitted to travel just 3 years ago. By October 1, a total of 18,116 GDR citizens had legally emigrated to the FRG in 1988. The FRG Permanent Mission expects the final figure for 1988 to be close to the 1986 level of 21,500--substantially higher than the 13,000 allowed in 1987.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

A 1982 law instructed border guards that they should open fire as a last resort to prevent a person from leaving the country without permission. By mid-1987, there were reports that the practice had been virtually suspended, except in cases of military or police deserters or self-defense. However, a number of shooting incidents occurred in 1988, and in one case a civilian was injured. The Government has not clarified its policy, and it is difficult to determine if the policy has, in fact, been modified.

GERMAN DEMOCRATIC REPUBLIC

There were 288 unauthorized border crossings in 1987. By October 1, 418 persons had successfully crossed the GDR-FRG border or the Berlin Wall "illegally." The Government apparently has removed some lethal barriers, such as automatic shooting devices and minefields, but it has increased the height of the border fence to 3 meters, set up 150 kilometers of special dog-patrolled areas, and expanded its system of barriers on the inner-German border to a depth of approximately 20 kilometers.

b. Disappearance

There were no reports of permanent disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Specific laws state that the life, health, and ability to work of arrestees and prisoners must not be jeopardized. A new law promulgated in December makes it a crime, with penalties up to 10 years' imprisonment, for an official performing state functions to mishandle a person psychologically or physically.

No reports were received in 1988 of physical abuse by prison officials, although in the past prisoners have complained of cruel treatment, including the beating and hanging of prisoners by their hands for periods of up to 24 hours, and have reported excessively harsh conditions and psychological strain in prisons. In its 1988 report (covering 1987), Amnesty International cited reports from former political prisoners who stated that they had been beaten, chained to beds, or held for prolonged periods in solitary confinement.

The Council of Europe in September 1986 issued a report denouncing prison conditions and calling on the Government to uphold the principles of the United Nations International Covenant on Civil and Political Rights, which it ratified in 1973. Recently emigrated prisoners report the selective easing of conditions within prisons. In particular, they note an improvement in the guards' behavior. However, the psychological strain and harsh disciplinary treatment continue. In September 1987, the GDR ratified the U.N. Convention Against Torture.

d. Arbitrary Arrest, Detention, or Exile

Security agencies have blanket authority to detain and interrogate citizens on suspicion alone. Citizens who become particularly active in officially disapproved ways are sometimes subject to repeated harassment, such as recurrent police interrogations, despite the absence of formal charges. They may be arrested with or without warrants, merely for expressing dissenting views. A person held in detention has the right to a judicial review of continued detention, but in political cases this may not be effectively observed.

Although the Criminal Procedure Code sets a limit of 3 months on investigatory proceedings, prosecuting authorities appear to have no difficulty in extending this period. In most political cases, it takes longer than 24 hours--often many weeks--before interested parties are notified of the arrest. Although the code guarantees access to a defense attorney, and this right exists from the beginning of the investigative proceeding, the authorities are not required to inform a detainee, and the right is not always exercised in a timely

manner. The prosecutor may monitor and restrict contacts between the defense attorney and his client. Recent developments in legal procedures have reduced the arbitrariness and extent of this practice but not yet eliminated it.

Charges filed in clearly political cases are often based on laws which are written in vague and general language. The penal code provides, for instance, that the transmission of information "detrimental to the interests of the German Democratic Republic," even if it is not classified, may be considered treason. Laws against "antistate agitation" and "asocial behavior" (parasitism) are often applied selectively against citizens who become politically active. The broad and vague wording severely restricts the possibility for defense. In several instances in late 1987 and 1988, charges were dropped prior to trial in response to public outcries and church intervention. East German defense attorneys report that prisoners brought to trial under these laws occasionally have been acquitted.

A small group of human rights and emigration activists attempted a peaceful counterdemonstration at a government rally January 17. These persons and numerous others connected with them, including dissident balladeer Stephen Krawczyk, were arrested, and some were charged with "engaging in treasonous contacts." After weeks of negotiations with the Evangelical (Lutheran) Church, the authorities released all of them, most to the FRG. Krawczyk and several others alleged that they were coerced into signing documents in which they agreed to leave the GDR permanently.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The public is usually excluded from trials involving security and political issues. Prisoners are allowed to select their own attorneys. However, all attorneys are to some extent dependent on state toleration, and only a handful are willing to take on political cases. Until investigatory proceedings are completed, prisoners may be permitted to see their lawyers only in the presence of the police and to discuss only matters not related to the case. The number of instances in which such restrictions are applied reportedly has been declining, at least in nonsensitive cases. Discussion of a case itself often takes place in a brief interview shortly before the trial. Attorneys may not make photocopies of their clients' files. Files may be reviewed only in court, and notes must be taken in longhand or with the aid of a dictaphone.

GDR attitudes regarding the Criminal Procedure Code are changing. A 1987 official commentary to the Criminal Code and the Criminal Procedure Code stated a presumption against restrictions forbidding a defense attorney from discussing the case with his client. Another official commentary has advanced the defense attorney's ability to gain more and earlier access to investigative documents. A court recently handed down a decision which freed a person from pretrial detention, and a Supreme Court justice published an article critical of excessive use of pretrial detention by many prosecutors and lower courts. The plenum of the Supreme Court has established new evidentiary rules which require prosecutors to meet a higher standard. It appears, however,

that none of these changes have yet affected the conduct of politically sensitive cases.

Trials in sensitive cases may be short and perfunctory. Constitutionally, the courts are under the control of the Council of State. In reality, they are controlled by the SED, which in effect appoints the judges. Military courts try civilians only in military espionage cases.

The Government does not admit to holding political prisoners, nor does it publish statistics which would assist in determining the number of political prisoners held. However, the FRG Ministry for Inner-German Relations has announced that it bought freedom for some 1,500 political prisoners from the GDR in 1986, for 1,247 in 1987, and for 506 by October 1, 1988. The Salzgitter Center, an FRG government office which monitors GDR human rights abuses, has registered some 25,000 prosecutions for political offenses in the GDR over the past 25 years. Such prosecutions have generally resulted in prison sentences of 18 to 24 months. Most observers agree that approximately half of the political prisoners were jailed because of efforts to emigrate.

In the fall of 1987, the GDR began implementing a general amnesty which covered all prisoners except those convicted of murder, espionage, and war or Nazi crimes. The terms of this amnesty were considerably broader than those of earlier amnesties carried out in 1979 and 1972. By December 1987, 24,621 persons, including all political prisoners, had been released.

Estimates of the current number of political prisoners in the GDR vary widely, both because of the difficulty in obtaining information and the use of different definitional criteria. (Before the amnesty, official FRG sources spoke of "more than 1,000 known by name," with possibly another 1,000 being held. The private West German-based International Society for Human Rights estimated that there were 6,000 political prisoners, while Helsinki Watch reported estimates of political prisoners ranging from 7,000 to 10,000.) Official West German sources speak of more than 1,000 who are currently being held. This figure indicates that the number of political prisoners has reached preamnesty levels.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Assisted by informers, the secret police open mail, install listening devices, place people under surveillance, subject them to interrogation and intimidation, and arrest them without due process. By law, the police need court authorization to enter and search a house. They may authorize entry themselves, however, and the courts will retroactively give approval. State security organs, solely on their own authority, routinely and legally tap telephones and open mail. Evidence thus obtained can be used in court. The Government has achieved its goal of instilling a widespread belief that state security informants are ubiquitous and discovery of opposition to the State is certain.

Young people are not forced to join the SED's youth movement, the Free German Youth (Freie Deutsche Jugend--FDJ), but school and government authorities make it clear that failure to do so will limit educational and job opportunities. Helsinki Watch has reported that 15- and 16-year-olds must attend a 2-week

paramilitary training camp where they learn such skills as using weapons and throwing grenades.

GDR citizens must obtain government permission to marry foreigners. The Government appeared to follow faithfully during 1988 the letter of a 1983 law which specified that authorities should decide on applications for binational marriage within 6 months of submission of the application. Under a new law, binational marriage applications filed after January 1, 1989 must be decided within 3 months. Assembling documents for submission can be time-consuming, however.

A large group of persons--at least several million in number --in positions deemed sensitive by the Government have not been eligible for private travel nor allowed to maintain Western contacts. It appears that the number of persons so restricted was considerably reduced in 1988. Engineers, teachers, doctors, and members of certain other professions still have more than usual difficulty obtaining permission to travel.

With a law passed in December, the GDR has given citizens the right, effective July 1, 1989, to challenge in local county courts many of the bureaucracy's actions personally affecting them in certain important civil code areas such as travel, emigration, property rights, compensation for damages, and applications to obtain a building permit or open a private shop or business. While the local courts may now set aside administrative decisions in these areas, the decisions of the local courts are final, and the citizen has no right to appeal to a higher court. Nonetheless, this is the first time persons have had the option of a judicial review of such administrative decisions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech remains severely circumscribed. There are restrictive laws relating to free expression, and public dissent can result in prison sentences. A young technician was sentenced in March to 10 months' imprisonment after distributing emigration rights leaflets on church grounds. Perhaps out of a conscious effort to seem less repressive abroad, however, the authorities appear increasingly reluctant to punish publicly dissenting speech. Most persons engaging in such activities are merely picked up and detained briefly by the police without charges being filed, though they may later be subjected to police harassment and intimidation.

The Government controls all media and licenses all publications prior to distribution. The media's basic function is to support and strengthen the Socialist order. Over the past 2 years, articles have appeared in established journals on previously taboo social subjects, such as AIDS, homosexuality, environmental pollution, and juvenile delinquency. While these articles generally stress the Government's efforts to solve such problems, the mention of these topics marks a new development.

In 1988 the Government censored church newspapers for the first time in years, especially their coverage of church convocations which discussed subjects such as education policy, environmental protection, military service, and conscientious objection. In August the president of the

Evangelical (Lutheran) Church Federation met with the new State Secretary for Church Questions on this issue.

From time to time, unofficial activist groups produce, independently of both the church and the State, newsletters and underground newspapers in limited quantities. One example was the monthly bulletin, Grenzfall, published by the Peace and Human Rights Initiative, which covered peace, ecology, human rights, and independent activities in the GDR. After members of the group were arrested on January 17 (see Section 1.d.), publication of Grenzfall stopped.

Circulation or importation of most printed materials requires an official permit. Since SED General Secretary Erich Honecker's September 1987 visit to the FRG, however, East Germany has relaxed somewhat the stringent controls governing importation of printed materials from the West. Private persons may now import certain specialized publications, even if the publications do not have a special postal license. However, the regulation elastically excludes literature "directed against the preservation of peace and containing other agitation" or "contravening the interests of the Socialist State and its citizens."

The GDR also controls the distribution of Soviet publications. In March it banned three issues of a German-language Soviet newspaper, Neue Zeit, in which a play about Lenin and Stalin previously criticized by the party paper, had been serialized. In November it removed the Soviet periodical Sputnik from the postal mailing list--thereby effectively depriving East German subscribers of the magazine--purportedly for regularly distorting Soviet history and the history of the Soviet and German Communist parties, particularly with regard to the Stalin era.

Western newspapers and magazines are generally unavailable to the public at large. Small quantities of Western journals are for sale for hard currency in international hotels upon request. Some libraries, university departments, and official institutes also receive Western journals, but circulation is highly restricted. GDR and Western travelers may be interrogated or arrested simply for possessing unlicensed printed material.

Western journalists' ability to report on events in the GDR is limited by laws restricting their ability to travel without prior permission and to contact potential sources directly. For the average East German, contact with Western journalists is technically illegal. In the spring, Western reporters were refused permission to cover church synods, and in June several were roughed up and had their cameras smashed by state security police when they attempted to cover a spontaneous gathering of rock music fans at the Brandenburg Gate during an outdoor concert in the West.

West German television can be viewed by 80 percent of the GDR populace. Some of the few areas still unable to receive West German television by antenna are now installing cable systems. Western radio broadcasts can be heard throughout the country. The Government does not attempt to jam or otherwise hinder these broadcasts.

The SED conceives of art and literature as means of promoting political goals. The value of works is judged on whether they ultimately convey a positive view of Communist society and

goals, though they can be quite critical of individual aspects. Overly critical views or perceptions are discouraged or censored. Publishing houses practice self-censorship, and works must receive official clearance before they are published, performed, or exhibited. Some works are banned completely; others may be published only outside the country under contracts negotiated by state-run agencies; others are permitted to be published, performed, or exhibited in the GDR only in edited form.

While cultural figures continue to emigrate, there are indications that the authorities may be attempting a limited cultural relaxation. At a quadrennial Writers' Congress in December 1987, authors were more outspoken in criticizing cultural policies than they have been for years. A Filmmakers' Congress called for more conflict in films; some previously banned books began to appear in East German editions; controversial plays were performed; and a literary journal printed articles criticizing the Stalinist era and cultural policy in the 1960's.

Individual academic freedom is severely limited and even formally restricted by law. The State views education as an instrument for "building socialism." All areas of academic inquiry are strictly controlled. Teachers who allow open classroom discussion of unapproved themes or topics, or who deviate from the party line, are disciplined. Many books are prohibited totally; others are permitted only in university libraries to which only carefully screened and authorized personnel are allowed access.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, only the various churches have maintained the ability to organize meetings without prior state approval. Even they exercise restraint to avoid unduly antagonizing the Government.

The formation of private organizations or clubs also requires government permission. Professional associations for writers and artists are headed by party members and ultimately controlled by the State. Dissidents and critics have been expelled and deprived of important professional privileges.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religious belief and worship. The State officially promotes atheism but in practice tolerates and even provides some financial subsidies for religious activity. Overt adherence to religious beliefs may result in disqualification for preferred jobs and educational opportunities, although the largest religious community, the Evangelical (Lutheran) Church, has had some success in pleading the cases of its members who have suffered such discrimination.

New churches continue to be built, and old ones restored, in limited numbers with government approval. Clergy are trained in both state universities and church-run seminaries. The Government has demonstrated some flexibility in its treatment of minority religions. Relations with the Catholic Church

remain steady, and those with the small Jewish community continue to improve.

For the first time since the building of the Wall, Jewish leadership from both sides of the city participated as joint hosts of an event, the commemoration of the start of Nazi death camp deportations from Berlin. The State took an unprecedentedly active role in 50th anniversary commemorations of the Kristallnacht, the Nazi pogrom, and it is supporting restoration of Berlin's largest synagogue and the establishment of a Jewish museum and cultural center.

While the Government has not rescinded a ban on organized activities by Christian Scientists, it has made no effort to interfere with those activities. Members of the Church of Jesus Christ of Latter-day Saints continue to practice their faith relatively unimpeded, and state and church representatives jointly participated in the recent dedication of a new Mormon community center.

The churches remain under continuing government pressure to watch their words and deeds, and the secret police continue to monitor church-sponsored events closely. Nonetheless, the Evangelical (Lutheran) Church remains the only institutional forum in which divergent opinions can be expressed with relative freedom. With the exception of church-sponsored events held on church grounds, groups are not allowed to organize events without official approval. After the Evangelical and Catholic churches held their first-ever joint ecumenical conference in February, during which participants expressed sharp criticism of some public policies, the State attempted to pressure the church newspapers into printing only highly expurgated accounts of the discussion. Persons attending a March service at a Berlin church had their identity papers examined by the authorities before they could enter the church.

The authorities have also censored church newspaper accounts of synod discussions. Such censorship and the Evangelical Church's efforts on behalf of would-be emigrants and those arrested on January 17 strained the Church's relations with the Government. In August the new State Secretary for Church Questions met with Bishop Leich to discuss the censorship issue. However, there has been further censorship of church newspapers since then. The church-state dialog on issues such as freedom of religion and thought, conditions of military service, conscientious objection, and compulsory military training in the schools, was postponed by the State in the fall of 1987 and has not resumed.

Western clergy were permitted to attend church synods and lay conventions, and some GDR religious leaders were allowed to attend similar meetings in the West. In at least one case, however, the State did not permit the entry of West Germans who were to talk at a church-sponsored meeting.

For some time, young men subject to universal conscription who are religious conscientious objectors have been able to choose alternative service in unarmed construction units. However, those opposed to any military service whatever were incarcerated. Recently the Government adopted a policy of ignoring such persons, i.e., neither drafting nor prosecuting them. Conscientious objectors may still face discrimination in schools and jobs.

GERMAN DEMOCRATIC REPUBLIC

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Most citizens can travel freely within the country, except within special border zones or near military installations. Technically they are not free to change their place of residence without government approval, but normally this amounts only to a requirement to register with the police. All citizens must carry identification cards which the police have the right to check at will. Because of their criminal or political records, including the filing of emigration applications, approximately 60,000 citizens carry a special identification card called PM-12, which in many but not all cases restricts domestic as well as foreign travel. Foreign travel is tightly controlled. Exit visas are required for travel to other Communist countries except Czechoslovakia, and travel to Poland remains restricted.

Under GDR regulations in effect through December 31, 1988, travel to non-Communist countries was not allowed until citizens reached retirement age (60 for women, 65 for men). On a case by case basis, the Government also permitted its citizens below retirement age to travel to the West, chiefly the FRG, on urgent family matters, narrowly defined as births, deaths, marriages, and significant birthdays and anniversaries for first-degree relatives (spouses, parents, and children) and siblings. For the last 3 years, however, the Government substantially eased these restrictions and the authorities increasingly made exceptions to their own rules. During 1987 some 3 million GDR citizens traveled to the West, including 1.2 million under retirement age. Of these, less than one-half of 1 percent failed to return to the GDR. In 1988 an estimated 4 million persons, including more than 1.4 million under retirement age, were able to visit the West. There were still many complaints, however, that official decisions on travel applications were made arbitrarily and unpredictably and that the citizen had no effective right of appeal.

A 1983 law, valid until the end of 1988, narrowly restricted cases of family reunification to first-degree relatives (spouses, parents, and children). Though some East Germans other than those with first-degree relatives were allowed to leave, the narrow definition of eligibility for emigration created difficulties for the large majority of applicants. Many successful applicants waited from 1 to 5 years for permission to leave, often in the meantime suffering loss of employment and even imprisonment.

In December the GDR published a new law on short-term Western visits and permanent emigration which gives promise that this hitherto arbitrary process may become more predictable and consistent. Under this law, which came into effect on January 1, 1989, the categories of persons eligible to submit applications and the circumstances under which applications may be made are somewhat broader and more clearly defined. The bureaucracy is required to accept applications, reach decisions within fixed time periods, and provide a clear legal statement for rejections. After July 1, 1989, citizens will have the right to appeal the decisions to a court. The new law appears to codify the more liberal practices of the past 3 years, but the grounds for refusal listed include some "rubber" clauses reserving for the authorities considerable discretionary power.

Those who left the country illegally before January 1, 1981, are eligible to apply for permission to visit, but reportedly only half of those who have applied have obtained visas. Those who fled after 1980 face criminal prosecution if they return to the GDR. Those who emigrate legally must generally wait 5 years before they are permitted to return again. However, persons who have received permission for an extended stay in the West but who have made no attempt to change their citizenship, such as the noted writer Monika Maron, apparently are allowed to return at any time for a visit. In addition, some persons sent temporarily abroad in the wake of the January 17 events were allowed to return in August, although those who agreed to leave permanently have not been permitted even transit visas to take the train from the Western sectors of Berlin to the FRG-GDR border.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens are not free to change the system of government. The SED leadership makes all important decisions, and lower-level functionaries are expected to approve and carry them out. The party leadership controls the Government and its operations, determines who will fill executive positions in the government apparatus, and ensures that its party members occupy a majority of them. Although four other parties are represented in the Government, they are not permitted to challenge Communist leadership or control. The unicameral legislature, the Volkskammer (People's Chamber), has yet to reject a government proposal.

All parties and mass organizations (such as trade unions) are represented in the National Front, which is controlled by the SED. For election purposes, the National Front prepares lists of approved candidates according to a formula which ensures the SED's complete domination. The list of candidates on a ballot exceeds the number of available seats, and a candidate high on the list may be rejected if more than 50 percent of voters cross his name off the ballot. In such a case, a candidate lower on the list may be elected. This is last known to have happened in a provincial election over 20 years ago.

Women are widely represented at the lower levels of both the party and the Government. At the upper levels, however, few women hold positions. Of the 26 members and candidate members of the SED's Politburo, for example, 2 are female. There are 16 women on the 161-member Central Committee of the SED. Six women sit on the 30-member Council of State, and there is 1 woman in the Council of Ministers.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the GDR is a signatory of the Final Act of the Conference on Security and Cooperation in Europe, it has generally taken the position that inquiries into its human rights policies constitute interference in its internal affairs. Requests by private human rights groups in the West for information on human rights conditions go unanswered, and the Government discourages visits by such groups. Within the GDR, members of unofficial human rights groups, such as the Peace and Human Rights Initiative and the Solidarity Church Working Group, face surveillance and harassment by the secret

police and may be arrested if their activities are deemed threatening to the Government. Such groups are often the only source of current information available to outside observers on human rights developments in the GDR. Their ability to disseminate information is restricted by official harassment. The government-sponsored Committee for the Protection of Human Rights does not attempt to safeguard the human rights of GDR citizens but criticizes human rights conditions in other countries while claiming there are no problems in the GDR.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

An extensive social welfare system provides free medical care to the population without discrimination. Men and women are treated equally in most respects, and women's marriage and property rights are generous.

Almost 90 percent of women of working age are employed, and a comprehensive child care system exists for working parents. As one of the many incentives to increase the birth rate, women are given extensive maternity leave with pay. Women are given 1 day a month off to do household shopping, as are single fathers with custody of children.

Women and men receive equal pay for equal work. Women can be found in all professions, although they tend to be concentrated in the lowest paying jobs--trade, services, and textiles. In time of war, they are liable for the military draft. Few women hold high positions in most professions, although they are well represented in the medical profession, and a woman has become the director of one of the country's largest economic enterprises.

The Democratic Women's Federation of Germany officially represents women's interests within the SED. Its functions, however, are nominal.

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to establish and join unions of their own choosing. The Free German Trade Union (FDGB) is an appendage of the SED. It consists of 16 unions covering all workers and professionals and represents some 90 percent of the work force. All large industrial, retail, and agricultural enterprises--which employ 96 percent of the labor force--are owned by the State. The FDGB's role is to enforce and promote official government and party policies--which are considered to correspond with the interests of the masses--rather than to promote members' interests, which might conflict with those policies. The FDGB is affiliated with the World Federation of Trade Unions.

Workers do not have the constitutional right to strike. Although this right existed in the 1949 Constitution, it was deleted from the 1968 Constitution because, according to the SED, workers do not need this right under socialism. The right to strike was not restored in the 1974 Constitution. There were no published reports of strikes in 1988.

GERMAN DEMOCRATIC REPUBLIC

b. The Right to Organize and Bargain Collectively

There is no legal provision for collective bargaining, nor does it exist in practice. Although worker representatives are allowed to sit on the enterprises' boards, in reality they only rubberstamp the boards' policies. Labor law and practice are uniform throughout the GDR.

c. Prohibition of Forced or Compulsory Labor

Forced labor is not practiced in the GDR. There is a requirement that teenagers must work at least one summer for the State, but they receive compensation for their work.

d. Minimum Age for Employment of Children

Children from age 14 may work part time during vacations and to further their education. Children can work full time with parental permission between ages 14 and 18. Youths under the age of 18 may not work between 6 p.m. and 6 a.m. Youth commissions within the FDGB effectively enforce the child labor laws.

e. Acceptable Conditions of Work

Under the law, a full-time worker is entitled to a minimum wage of approximately $216 per month. The minimum provides subsistence-level living for workers and their families.

The maximum workweek is 43 3/4 hours, with a maximum of an additional 120 hours overtime per year permissible by law, except under extraordinary conditions. A 2-day weekend is common. The GDR guarantees citizens the right to a job, and there is essentially no unemployment.

Labor law obliges enterprises to protect their employees' health and safety in the workplace. In reality, working conditions are often difficult, especially in mining and heavy industry. The Government has had some success, however, in reducing the relatively high rate of accidents in the workplace.

FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany (FRG) is a democratic society with a modern parliamentary system. Its industrialized economy provides one of the highest standards of living in the world.

National power is divided among executive, legislative, and judicial branches. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the lower house of Parliament. The powers of the Chancellor and of the Parliament, which are substantial, are set down in the Basic Law (constitution). The Bundestag is elected through a mixture of direct constituency candidates and party lists. Members of the upper house of Parliament, the Bundesrat, are appointed by the state governments. There is also division of governmental authority between national and state governments. The latter retain significant autonomy, especially in matters relating to law enforcement and the courts, culture and education, the environment, and social assistance.

The Federal Republic has been ruled since its creation by governments headed by one of the two major parties, the Christian Democratic Union (CDU) or the Social Democratic Party (SPD). The current Government is led by a coalition of the Christian Democratic Union, joined by its Bavarian sister party, the Christian Social Union (CSU), and the Free Democratic Party (FDP). The SPD and the Greens, a party represented in the Bundestag since the elections of March 1983, comprise the opposition.

Organized essentially at the state (Land) level and operating under the direction of state governments, the police are well trained and disciplined, and scrupulously respect citizens' rights, as well as those of other persons resident in the FRG to the extent they are protected by law. In dealing with hostile elements, including terrorists, special care is taken to respect the rights of the accused.

The foundation of the Basic Law, adopted in 1949, rests firmly on the principles of liberty, equality, and the free exercise of individual rights. Although the "basic rights" enumerated in that law are theoretically subject to interference only on the basis of a law, in practice these human rights are scrupulously protected.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Politically motivated killing by the Government or by mainstream political organizations is unknown. Terrorist groups on the far left (the Red Army Fraktion--RAF) and the far right (neo-Nazi groups) and Middle Eastern terrorists continue to engage in political violence. In September high-ranking Finance Ministry official Hans Tietmeyer was shot at by persons claiming to belong to the RAF.

FEDERAL REPUBLIC OF GERMANY

b. Disappearance

Governmental or police authorities do not abduct, secretly arrest, or otherwise illegally detain persons. There have been no kidnapings by political terrorist groups for several years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Police authorities do not physically or mentally torture prisoners, nor do they engage in cruel, inhuman, or degrading treatment short of torture.

d. Arbitrary Arrest, Detention, or Exile

No person may be arrested in the Federal Republic except on the basis of an arrest warrant issued by a competent judicial authority. Any person detained by the police must be brought before a judge and charged no later than the day following the day of apprehension. The court must then issue an arrest warrant with stated reasons or order the person's release. There is no preventive detention except that a prisoner may be held in custody no longer that 24 hours while awaiting a formal charge if there is evidence that he might seek to flee the country to avoid prosecution. The right of free access to legal counsel has been restricted only in the cases of some terrorists who have used contacts with lawyers to promote and continue terrorist activity even while in prison. Only judges may decide on the validity of any deprivation of liberty. Bail bond exists in the Federal Republic but is seldom employed. There is no exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Trials are public. The Basic Law assures due process and prohibits double jeopardy. The judiciary is free of both government interference and intimidation by terrorists. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home is ensured by the Basic Law and fully respected in practice. Prior to forcible entry by police into a home, a warrant must be issued by a judge or, in an emergency, by a public prosecutor. Electronic surveillance or monitoring of mail may be undertaken only after authorization by a court order.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The provisions of the Basic Law, an independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. Criticism of the Government is unrestricted. The media and artistic works are not censored. Academic freedom is complete. There is no censorship of foreign or domestic books. Newspapers and magazines are privately owned.

Radio and television networks and stations function, for the most part, as corporations under special public laws. They

are governed by independent boards made up of representatives of churches, political parties, and other organizations.

A few experimental private television cable stations and local television cable networks have been set up. Legislation has been enacted in all states except Bremen and Hesse to facilitate and encourage private television stations using cable, satellites, and other "new" media.

b. Freedom of Peaceful Assembly and Association

The rights of assembly and association are fully respected, as is the right to demonstrate. Organizers of street demonstrations are required to obtain police permits beforehand and may be asked to pay a deposit to cover the repair of any damage to public facilities. When demonstrators have not obtained the required permits, police have exercised considerable restraint, showing concern ultimately only for the continued functioning of public facilities and for the safety of the general public.

Membership in nongovernmental organization of all types, including political parties, is entirely open. Parties found to be "fundamentally antidemocratic" may be outlawed. Under this constitutionally based provision, the Federal Constitutional Court, in the 1950's, declared both a neo-Nazi and a Communist party to be illegal.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The full practice of religion is allowed. Major religious groups benefit from a state-administered church tax system. The Government subsidizes church-affiliated schools. Personal religious affiliation today plays an insignificant role in politics and in other walks of life. Members of all religions may be found in all political parties.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

German citizens are free to move anywhere within the country and to leave and return at any time. Germans who arrive in the Federal Republic from the German Democratic Republic (GDR) are treated as German citizens and therefore may take up residence without restrictions. There was a dramatic increase in 1988 in the number of ethnic Germans coming to settle in the FRG. By September 1, 1988, 128,000 ethnic Germans had come, representing a three-fold increase over the same period in 1987. Of this number, 72,000 came from Poland, 25,000 from the USSR, 8,000 from Romania, and 22,000 from the GDR. Part of the increase is due to the new Soviet Entry and Exit Act. Effective January 1, 1987, ethnic Germans living in the Soviet Union with first degree relatives in the FRG were given exit visas on a priority basis.

The right of asylum fof those who are politically persecuted is guaranteed by the Basic Law and respected in practice. The FRG is also experiencing dramatically higher numbers of asylum seekers. For the period January-June 1988, asylum status was granted to 39,885 foreigners with the largest numbers coming from Poland and Turkey. Once formally granted asylum status and to a lesser extent while being processed, asylees have

essentially the same access to social welfare benefits as German citizens. Short of the right to vote, they also enjoy complete civil rights.

The explosion of asylum seekers since 1979 prompted enactment of the Asylum Procedural Law in November 1986. The Law included provisions to discourage emigration to the Federal Republic on the part of so-called economic refugees--fully 80 percent of all who apply. Work prohibitions for asylum seekers were institutionalized for airlines bringing in foreigners without valid entry visas.

Denial of political asylum does not automatically result in deportation. Eighty percent of those whose petitions are denied are typically allowed to remain in the country for other, humanitarian reasons. Persons from Eastern European countries are normally allowed to remain whether or not official asylum status is granted.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the parliamentary democracy established by the Basic Law, the Federal Republic is ruled by a government chosen by the people through orderly elections based on universal suffrage. Around 87 percent of voters normally participate in national elections, but local contests attract significantly lower participation. Candidates for public office are usually members of political parties but are not required to be. The Basic Law and the state constitutions contain provisions that only parties achieving at least 5 percent of the vote can be represented in the Federal and state parliaments. New political parties are free to form and enter the political process. Although party discipline plays an important role, voting on issues in the Bundestag is ultimately a matter of individual decision.

Women are entitled by law to full participation in political life, and all parties are committed to encouraging their greater participation. The SPD, for example, has changed its rules to require a 40 percent quota for women on all party committees and governing bodies. The Cabinet Minister for Youth, Family, Women, and Health is responsible for furthering women's interests in both the public and private spheres.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The International Society for Human Rights, Amnesty International, and other smaller human rights organizations freely conduct their activities in the Federal Republic. The Government considers the international promotion of human rights one of its highest priorities.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no discrimination in the availability of shelter, health care, and education to all inhabitants, regardless of race, religion, sex, ethnic background, political opinion, or citizenship.

Due to increased unemployment, the Government has pursued a three-pronged policy with regard to foreign workers:

integration of longtime residents, limitation of further entries, and repatriation aid for those willing to return to their home countries. At the end of June 1988, foreign workers totalled 1.6 million, or 7.5 percent of the work force, and 36 percent were organized in trade unions. A national debate has been under way over whether the rights of guest workers should be broadened to permit unlimited residence and the right to vote or reduced by limiting the right of entry for dependent children.

Since the passage of an equal employment rights law in 1982, women are guaranteed equal employment at the workplace. They are increasingly rising to management and leadership positions in the private and public sectors. In organized labor, about 26 percent of union members are women, and a woman has served as president of the second largest trade union since 1982.

A majority of women do not work outside the home. The rate of participation of women in the labor force, about 38 percent, is below the average in the European Economic Community, and most working women are employed in traditional fields.

Protective legislation bars women from working in certain heavy industrial occupations and also generally bans night work. Young women experience difficulties in gaining access to training in some traditionally male fields. Recent court rulings and government pilot programs, however, have helped break down some of these attitudinal and institutional barriers. Women enjoy full and equal protection under the law, including property and inheritance rights. However, salaries for women in the private sector tend to be lower than salaries for men in similar jobs. Consistent with the special status which mothers enjoy pursuant to the terms of the Basic Law, the Government provides financial benefits for mothers, including maternity leave and child allowances. There are several active women's rights groups.

Section 6 Worker Rights

a. The Right of Association

The right to associate freely, choose representatives, determine programs and policies to represent members' interests, and to publicize views is recognized and exercised freely in the Federal Republic. The right to strike is guaranteed by law, except for civil servants and personnel in sensitive positions, such as members of the armed forces. The country has a long-established and highly organized labor movement, with about 42 percent of the eligible work force unionized. The German Trade Union Federation represents over 83 percent of organized workers. Reborn in the wake of World War II, the unions are particularly conscious of their historic role as the protector of workers' rights and a bulwark of the democratic system. They actively participate in the International Labor Organization and in international and European trade union organizations.

b. Right to Organize and Bargain Collectively

The right to organize and bargain collectively is guaranteed by law and is widely practiced. Each year approximately 7,000 contracts are renegotiated, affecting some 20 million workers, or 90 percent of the dependent work force. No government mechanism to promote voluntary worker-employer negotiations is required because of a well-developed system of autonomous

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GREECE

Greece is a constitutional republic and parliamentary democracy. The party or coalition with the majority of seats in Parliament names the Prime Minister, who forms the Government. Elections are freely and vigorously contested by a full spectrum of political parties. The next parliamentary elections must be held by June 1989. The President, the largely ceremonial Head of State, is elected by Parliament.

Activities of the police and security services are strictly monitored by the Government and the independent judiciary. Reported abuses are largely confined to occasional rough handling of ordinary criminals during police investigations.

A developed country and member of the European Community (EC), Greece benefits from EC subsidies designed to bring its per capita gross national product into line with that of other EC members. Economic development is hampered by a bloated public sector. Current government policy has the declared aim of freeing the private sector from excessive government intervention.

The full range of fundamental human rights is provided for by the Constitution. Attention focussed in 1988 on the demand for nonmilitary service for conscientious objectors and for stricter observance of the rights of pretrial detainees. Treatment of the respective Muslim and Greek minorities in Greece and Turkey continues to be a subject of political dispute between the two countries.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of politically motivated killing by government forces in 1988. However, terrorism and political assassination claimed 15 Greek and foreign victims. The domestic terrorist group "November 17" is the greatest single threat. In addition to a nonlethal attack on an Athens police station, it carried out in 1988 the murders of industrialist Alexandros Athanassiades and U.S. Defense Attache William Nordeen. Barring a breakthrough by local authorities, "November 17" will continue its attacks on Greek and foreign figures; to date it has not indiscriminately targeted the general populace. Other incidents included the attack on the excursion boat "City of Poros" (9 dead) by the Abu Nidal organization and the assassination of Armenian militant leader Hagop Hagopian by rival Armenian terrorists.

b. Disappearance

There were no reports of official abductions, secret arrests, or clandestine detentions during 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is provided for by the Constitution, and a November 1984 law makes the use of torture an offense punishable by sentences ranging from 3 years to life imprisonment. Several incidents of intimidation or beating of

detainees by police were reported in the press in 1988, leading to inquiries by a public prosecutor. No policeman has yet been convicted under the 1984 law. Greek human rights groups contend that police overreliance on confessions occasionally leads to abuses and that Greek courts admit illegally acquired evidence.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or imprisonment is ensured by the Constitution and respected in practice. Preventive detention does not exist in Greece. A person arrested on the basis of a warrant or while committing a crime must be brought before an examining magistrate within 24 hours and charged. This magistrate must issue a warrant of imprisonment or order the release of the detainee within 3 days of the examination unless special circumstances require a 2-day extension of this time limit.

The maximum duration of detention pending trial may not exceed 1 year (6 months for misdemeanors), extendable (by 6 or 3 months respectively) only in exceptional circumstances by decision of a judicial council. Most trials occur within 6 months of the charges being submitted. Release pending trial, with or without bail, is granted only in exceptional cases, by a decision of a judicial council.

Exile is unconstitutional and does not occur. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Fair and public trials are ensured by the Constitution and provided for in practice. Greece has a regular system of civil and criminal courts, with an independent judiciary, though critics charge that the Government puts improper pressure on judges during politically sensitive trials. Defendants enjoy a presumption of innocence. Defense lawyers are available to all accused, at public expense if necessary. A defendant or his attorney may confront witnesses. Court sessions are public unless the court decides that privacy is required for the protection of victims or in matters of national security. The latter provision is not abused. A defendant may appeal a court verdict to an appeals court. Military courts have no jurisdiction over civilians. Greece has no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home and of the individual's personal and family life is protected by the Constitution. No house search may be made except in conformance with specified legal standards and always in the presence of representatives of the judiciary. Warrants, issued by a public prosecutor (who is considered a judicial officer in Greece), are required for an official to enter a private home. These constitutional provisions are respected in practice. The Constitution requires punishment and "liability for full damages to the sufferer" for violations of the sanctity of the home and for the abuse of power. There is no compulsory membership in political groups. The Constitution further protects privacy of correspondence and communication. Opposition parties accused the Government of illegal surveillance activity during

1987 and 1988. A parliamentary investigation in one case was inconclusive, and a prosecutor was appointed in the other.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for in the Constitution and respected in practice. Censorship is prohibited. Opposition viewpoints are constantly presented in the active Greek press, and criticism of the Government is unhampered.

Greek television stations are government owned and operated, with the exception of a satellite retransmission station run by the municipality of Thessaloniki. The Government is challenging the legality of this station. The Government began rebroadcasting foreign satellite television programs in a few cities on an experimental basis in late 1988. New legislation in 1988 legalized municipal and privately operated radio stations, which now broadcast a wide range of viewpoints. Though the activities of opposition political leaders are covered by radio and television, opposition parties assert that news and information programming tends to reflect the political perspective of the governing party while their own views are neglected. During elections, television time is given to all major political parties according to their relative strength in Parliament.

The Constitution allows for seizure, by order of the public prosecutor, of publications which insult the President, offend religious beliefs, contain obscene articles, advocate a violent overthrow of the political system, or disclose military and defense information. No periodicals or newspapers are known to have been seized in 1988. Greece has strict libel laws, violations of which are prosecuted under established legal procedures with the safeguards of due process. Although Greek libel law makes it relatively easy to convict publishers for defamatory articles, the light penalties usually assessed do not signicantly hamper newspaper operations. Academic freedoms are protected by democratically chosen faculty organizations, though such groups tend to be highly politicized.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is ensured by the Constitution. Limits may be imposed on outdoor public meetings, however, if police authorities determine that a serious disturbance of social and economic life is threatened. A few demonstrations by small extremist groups were prohibited in 1988 following such determinations.

The right of association is protected by the Constitution and observed in practice. All citizens are free to establish and join organizations of their own choosing, including political groups and private organizations, without previous authorization or government interference.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of religion and prohibits discriminatory practices against religious minorities, which

in Greece include small communities of Muslims, Jews, and non-Orthodox Christians. The Constitution nevertheless establishes the Greek Orthodox Church, to which 98 percent of the population at least nominally adheres, as the "prevailing" religion. In addition, it prohibits proselytism by any religious group. The number of foreign missionaries arrested has decreased since the Greek courts ruled that simple distribution of literature does not constitute proselytism. In the first 7 months of 1988, 88 Jehovah's Witnesses were arrested for proselytism, and 2 were sentenced to 4 and 3 months' imprisonment respectively. The latter conviction was upheld by the Supreme Court and was appealed in August to the European Commission for Human Rights, the first such submission from Greece.

The Constitution declares that "no person shall be exempt from discharging his obligations to the State or may refuse to comply with laws by reason of his religious convictions." Although Greece provides for alternative noncombatant military service, it has no provision for nonmilitary alternative national service. Jehovah's Witnesses and a small number of other conscientious objectors of military age, who refuse alternative noncombatant military service, are tried and sentenced by military courts to military prison for a term twice that of normal service. In September there were 460 Jehovah's Witnesses and two other conscientious objectors serving such sentences. A portion of this sentence may be served in a civilian minimum security prison (frequently agricultural), where each day served is credited as 2 days toward fulfillment of the sentence. In 1988 the average time actually served was reportedly from 36 to 42 months.

In the spring, two conscientious objectors unconnected with the Jehovah's Witnesses went on a hunger strike in prison to press the Government to introduce a law creating nonuniformed alternative service. Such a draft law was introduced in July but was not formally considered, reportedly due to disagreements within the ruling party. The law as proposed is considered insufficient by human rights activists, due to its insistence on doubling the length of service and on screening by a committee of military officers and a psychiatrist. In an effort to move the new law forward, the conscientious objectors resumed their hunger strike in September and also reportedly submitted an appeal to the European Commission on Human Rights. One of the conscientious objectors was released from prison in December.

In late 1987, a lower court in Crete held that Jehovah's Witnesses do not constitute a "known" religion and are thus not entitled to legal protection, since their doctrine of refusal to serve in the military violates Greek law. The appeal of this decision, scheduled to be heard by the Supreme Court in October 1988, was postponed until late 1989. Jehovah's Witnesses also complain that the Government does not recognize that Jehovah's Witnesses clerics are entitled to the same exemption from military service as that accorded to Orthodox and other recognized clerics; two Jehovah's Witnesses clerics are currently serving prison terms.

Some non-Orthodox churches experience difficulties in building or acquiring new meeting places, when necessary permits from the Ministry of Education and Religious Affairs, which must consider the opinion of Orthodox Church hierarchy, are denied.

GREECE

Greece has a Muslim minority of approximately 126,000, made up of ethnic Turks, Pomaks, and Gypsies, located principally in Thrace in northeastern Greece. Their freedom of religion was guaranteed under the 1923 Treaty of Lausanne, and some 250 mosques exist. Under that treaty, the Government names the Mufti (religious leader with some administrative powers) of the two main cities after consultation with Muslim notables. Certain members of the community protest that the Muftis should be elected by the community itself, as was provided under a 1920 law, which the Government contends was never implemented and is invalid.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution ensures freedom of movement within the country, foreign travel, and emigration, and these rights are generally respected. Persons intending to emigrate, and emigrants who return to Greece, experience no discrimination. However, the Greek citizenship code makes a legal distinction between Greek citizens of ethnic Greek and nonethnic Greek descent. Citizens of nonethnic Greek descent can be deprived of their citizenship if they move abroad with the apparent intent not to return. A small number of Greek Muslims who have moved to Turkey have had their Greek citizenship revoked. The Government states this provision is used sparingly, and only after it is determined that the citizen in question has severed material ties with Greece and established permanent residence elsewhere. The Muslim community protests this practice as discriminatory.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Greece is a multiparty democracy in which all citizens enjoy full political rights without regard to race, sex, religion, or political persuasion. Greek citizens freely choose the officials and laws governing them. The President is elected to a 5-year term, and members of the unicameral Parliament to maximum 4-year terms. Suffrage is universal over age 18. The opposition parties function freely, have broad access to the media, hold public meetings, and serve as a check on actions by the Government.

Women still play a secondary role in political life. Of 300 parliamentary deputies elected in 1985, 11 are women. The present Cabinet has one female minister.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not objected to visits and investigations by human rights organizations. Domestic human rights organizations are allowed to operate freely and actively assist those who believe that their rights have been violated. The Government also participates in multilateral human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Both the Constitution and the revised family law provide women the same individual, political, and social rights as men. Women made up 34 percent of the nonagricultural work force in

1985 and 32 percent of recent university graduates. The percentage of women in traditionally male jobs and the professions is small but growing. Though the law mandates equal pay for men and women, women's pay averaged about 82 percent of that of men in 1988, due to less overtime, fewer bonuses, and no family supplements. Over the past decade, the Government has instituted significant reforms in marriage, divorce, and property laws and has expanded services to women in unemployment, family planning, and child care.

The Treaty of Lausanne (1923) includes provisions protecting the political and cultural rights of the Muslim minority. Two Muslim members serve in the national Parliament. Many villages in Thrace regularly elect Muslim mayors.

Members of the Muslim community complain that Greek officials have obstructed the entry of teachers and educational materials from Turkey for Turkish-language schools. Greek officials contend that the Government of Turkey has not acted to revise materials found unacceptable under the terms of a 1968 agreement on reciprocal imports of textbooks. In the current impasse, Turkish-language schools in Greece are widely considered inadequate to prepare students for a modern economy. Muslim Greeks who study in Turkey complain that their professional credentials are not accepted by Greek professional bodies.

A Thessaloniki court in 1988 sentenced a Muslim doctor and his associate to 30 and 15 months' imprisonment, respectively, for forgery and "spreading false accusations," for having presented a petition at a conference in 1987 protesting government treatment of the Muslim minority. Muslim leaders complain about barriers to land purchases from non-Muslims and about discrimination in approval of building permits and issuance of drivers' licenses. At the doctor's trial, the Government presented detailed statistics to refute claims of such discrimination. A clear perception exists among many Muslims, however, that they are at a disadvantage in their economic and political dealings with the Government.

Tensions between Greece and Turkey have made each country's perception of the treatment of its coreligionists in the other country a sensitive issue, and both countries have viewed human rights questions in light of historical and political differences. There is no independent corroborating evidence of a generalized pattern of political, religious, or cultural repression of the Muslim community or a deliberate policy of discrimination by the Greek Government.

Certain conservative elements of the Greek public adopt a critical view of the open exercise of unfamiliar religions. The permission to use a sports stadium in Piraeus for a Jehovah's Witness rally in August was canceled due to opposition from the Orthodox Church. Municipal authorities in Thessaloniki did not allow Jehovah's Witnesses to register their religious affiliation on identity cards and other official documents. A review by the Interior Ministry is reportedly pending. Greek authorities did successfully prosecute a group of villagers who attacked a member of the Jehovah's Witnesses in 1988.

GREECE

Section 6 Worker Rights

a. The Right of Association

The right of association is provided for by the Constitution and by specific legislation passed in 1978 and amended in 1982. Over 4,000 unions exist in Greece with 3 levels of organization: local, industrywide or branch federations, and two confederations (private workers and civil servants). In 1987 an estimated 35 percent of Greek wage and salary earners were organized in unions.

The only restriction on the right to strike is the Government's power of civil mobilization of workers when there is a danger to national defense, life, or property, or to the social and economic life of the country. The Government uses this power sparingly. Employees in public services must notify employers of their intention to strike 4 days prior to the strike and cover basic services during the strike. Security personnel (military, police, fire, port police) are prohibited from forming unions and from striking.

Unions receive most of their funding from a Ministry of Labor organization, the "Worker's Hearth," although a few unions have their own additional sources of funding. Although unions are highly politicized and closely linked to political parties, they are not controlled by the Government in their day-to-day operations. Trade unionists are protected by law from dismissal for union activities. Individual worker grievances may be brought for investigation to labor inspectors of the Ministry of Labor.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively was ensured by legislation passed in 1955. This law established a system of compulsory arbitration by tripartite labor courts in the case of disputes. Compulsory arbitration is no longer favored by any of the parties concerned, and in 1988 the Ministry of Labor proposed a system of voluntary arbitration; draft legislation is under consideration. There are no restrictions on collective bargaining for private workers; civil servants negotiate their demands with the Ministry of Interior but have no formal system of collective bargaining. Greece has no exporting processing zones, and labor law and practice are uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is strictly prohibited by the Constitution and is not practiced.

d. Minimum Age for Employment for Children

The minimum age for work in industry is 15. However, legislation and regulations provide alternate minimum ages for work in specified areas or specific jobs. For example, those performing loading or unloading work must be at least 18 years of age, while workers for the ports of Thessaloniki and Piraeus must be 21. In family businesses, theaters, and the cinema, the minimum age is 12. These age limits are generally respected, except in families engaged in agriculture or merchandising, in which younger children often assist part time or full time.

GREECE

e. Acceptable Conditions of Work

The minimum daily wage as of September 1, 1988, was $14.90, sufficient for a decent standard of living. Minimum wages and salaries, established by the national collective bargaining agreement and by branch collective bargaining agreements, are generally respected by employers. Workers who believe that they receive less than the minimum to which they are entitled may file a complaint with either the Ministry of Labor or the National Social Security scheme (IKA) which investigates the allegation. The workweek is 40 hours in the private sector and 37.5 hours in the public sector.

Minimum standards of occupational health and safety are provided for by legislation. New regulations are under consideration for underground work. Although the Greek Confederation of Greek Workers characterizes health and safety legislation as satisfactory, it charges that enforcement of the legislation is inadequate and cites the high number of job-related accidents. The National Statistical Service reported that in 1985, 2.3 percent of workers insured by IKA were injured at work. Enforcement reportedly suffers because of inadequate inspection, failure to enforce compliance with regulations, and outdated industrial equipment and plant.

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Hungary is governed by a Communist political apparatus which has measurably evolved from that imposed by the Soviet Union following World War II. Over the past year, this metamorphosis has proceeded at stepped-up pace. While the apparatus is seeking to maintain ultimate political power for the Communist party, the degree of the party's control has eroded, and there was some movement toward a greater degree of openness. The Hungarian Socialist Workers' (Communist) Party (HSWP) is headed by General Secretary Karoly Grosz, who succeeded Janos Kadar in May. Grosz was concurrently Chairman of the Council of Ministers (head of the national government) until November when he was succeeded in this position by Miklos Nemeth. The Hungarian Parliament, a single chamber legislature, has been a site for limited public debate. However, Hungary has not yet evolved public institutions which have proved capable of overruling specific actions or proposals of the party or government.

The secret police and other coercive institutions are active and powerful, but their obtrusive deployment has become infrequent in recent years. The police, however, intervened vigorously in a show of force in an attempt to break up the democratic opposition's June 16 public commemoration of the 1958 hanging of former Prime Minister Imre Nagy. In addition, police prevented the demonstration planned for October 23 to mark the beginning of the 1956 Hungarian revolution, as well as a November 15 demonstration at the Romanian Embassy expressing solidarity with the Romanian people and concern over the situation of Romania's Hungarian minority. The Soviet Union has over 60,000 troops stationed in Hungary.

Hungarian economic problems include a substantial foreign debt of $18 billion (for a population of 10.6 million), trade and budget deficits, and inflation of between 20 and 25 percent compared with wage increases of about 3 percent in state industries. The Government, still committed to tolerance and innovation in its internal economic and political arrangements used to maintain control, faces conflicting demands within Hungarian society. Initial steps towards a more open market economy, such as closing down unprofitable enterprises, have already caused some unemployment, and the first officially publicized strikes took place with the endorsement of the official unions.

There was significant progress in 1988 in Hungary's human rights record. Unofficial groups organized the largest peaceful demonstrations in more than 30 years. An independent scientific and technical workers' union was formed which is effectively negotiating on behalf of its members. An independent youth organization was founded, as were several new opposition groupings. Opposition meetings and samizdat (self-publishing) activities continued, for the most part, without official disruption. The new passport law, which came into effect in 1988, made it possible for 2.5 million Hungarians, as of September 30, to obtain new passports valid for worldwide travel. Nevertheless, some of the human rights gains registered in 1988 are tentative and easily reversible by the regime, which has held back from key decisions regarding the future role of the Communist party and the degree of representative democracy to be allowed in Hungary.

HUNGARY

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There is no evidence that killing for political reasons occurred.

b. Disappearance

There were no reported disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

No known instances of torture have occurred in recent years. Citizens, in principle, may bring complaints against the police.

There are three levels of punitive incarceration in Hungary: "workhouse," which allows some privileges, such as visiting, outside work, and leave; "jail," which is more punitive; and "prison", which means a maximum-security penitentiary. With varying degrees of frequency, depending on levels of imprisonment, prisoners have rights to visitation by family members, other relatives, and friends. While there does not appear to be systematic mistreatment of prisoners, there are possible exceptions. There have been continuing reports that Zsolt Keszthelyi, who was sentenced in April 1987 to 36 months' imprisonment (reduced on appeal to 30 months) for refusing compulsory military service on political grounds, was beaten while in custody.

The Hungarian authorities have rarely engaged in abuse of psychiatry, i.e., the commitment of sane persons to institutions for the mentally ill as a form of punishment. Laszlo Rusai, a 32-year old former teacher from the town of Hatvan with a record of dissident activity, was arrested in November 1987, apparently on suspicion of having defaced a Soviet memorial. He was held in solitary confinement for 2 weeks in Eger and then detained involuntarily, following a psychiatric examination, in the psychiatric wing of Budapest prison. There, Rusai was reportedly placed under care of a doctor whom Rusai had denounced during a previous involuntary psychiatric confinement, which included electric shock treatment, in 1986. In the spring of 1988, following Amnesty International's adoption of the case and an informal approach by the Embassy, Rusai was transferred to a Budapest psychiatric clinic where conditions appear to be medically satisfactory.

d. Arbitrary Arrest, Detention, or Exile

Citizens are generally not subject to arbitrary arrest. Upon arrest, a detainee must be informed in writing of the offense he or she is suspected of having committed and may be held at a police station for a maximum of 72 hours before charges must be filed. There is no right of bail or provisional pretrial liberty. One case of police violation of arrest procedures came to public attention during 1988.

On March 14, police appeared at the apartment of dissident Miklos Haraszti to call him in for questioning. He declined

on grounds that there was no warrant or summons. The police then reappeared with a summons convoking Haraszti in relation to a crime. He declined, pointing out that no crime had been committed and that police had earlier said their chief just wanted to talk to him. Haraszti was then handcuffed, beaten with truncheons, and shoved into a police car. He was questioned at the police station about his attendance at the Social Democratic Party conference in Bonn and about an interview he had given on Radio Free Europe March 11, in which he discussed the Hungarian opposition's planned March 15 demonstrations.

The Hungarian penal code contains a law on incitement which permits officials to prosecute for a wide range of utterances or statements. It is not clear how many cases of incitement involve political matters. Gyula Kristaly, a 61-year-old retired steelworker from the industrial city of Ozd, in northeast Hungary, was convicted under this statute and sentenced in April to 3 years' imprisonment for distributing some 200 typed leaflets in Ozd and Miskolc which criticized the Government's economic policies. Kristaly was released pending appeal. On August 30, an appeal court confirmed his conviction but suspended his sentence to 4 years' probation. The appeal hearing was attended by Amnesty International observers from Austria and Yugoslavia as well as opposition activists from Budapest. Kristaly attracted the sympathetic attention of the national press, which ran a detailed, factual account of the case and disclosed that it was 1 of 39 proceedings for anti-State activities initiated in 1987. The press did not reveal any information about the other 38.

There is no evidence that exile is used as a means for political control. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There are few closed trials in Hungary. The Constitution stipulates that all court proceedings are open, except for cases specifically exempted by law. Those which are closed usually involve "national security," which is not otherwise defined. In general, judicial procedures are investigatory rather than adversarial in nature. There is no trial by jury. Defendants have the right to choose their own counsel.

Despite some modest progress, the Hungarian judiciary remains subject to party control; the Supreme Court has limited authority to direct the Government to refrain from all acts against persons. In mid-1988 the Justice Minister, tasked with preparing a new draft constitution, was devising plans to overhaul the legal system to enhance the independence of the judiciary. Within the regular court system, there are courts of "first instance" with rights of appeal to courts of "second instance." A dwindling number of what are, by Western standards, political offenses are cause for prosecution in Hungary. No one in 1988 was sentenced for longer than 3 years for political offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for citizens' personal freedom and inviolability, the secrecy of correspondence, and the privacy of the home, but these provisions are violated when the State believes it is in its interest to do so. Search warrants are

generally obtained. House searches are conducted by a court order and must be carried out in the presence of two witnesses. A written inventory of items removed from the premises must be prepared. These procedures were adhered to in the course of the police raids against samizdat publishers which occurred in the first half of 1988 (see Section 2.a.).

Since the 1960's, Hungarian authorities have become more tolerant with respect to a person's private activities. Formal systems for gathering personal information, such as the widespread use of informers and block wardens and overt intrusions of the police into daily life, have been substantially curtailed. It is widely assumed, however, that the authorities tap private telephone lines and open correspondence when they wish to do so.

Hungarians may subscribe to Western publications although such subscriptions are relatively expensive. Parents who provide religious instruction to their children at home are not harassed. Pressure to join the Communist party or party youth and other organizations abated markedly in 1988, though the absence of membership may still have an adverse impact upon career possibilities in some fields. Nonetheless, membership in the official youth organization, KISZ, has declined substantially, particularly among university students.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for free speech and a free press, but these provisions are qualified by the need to conform to the "interests of socialism and the people." The Government permitted more latitude in freedom of expression during 1988.

The 1956 events were the subject of three feature films and a documentary at the February 1988 Budapest Film Festival and played an important part in two other feature films. While these productions were somewhat equivocal, some, like the Pal Schiffer/Balint Magyar documentary "Dunanal" contained substantial, painful doses of truth. This film was shown on primetime Hungarian television in December.

The Hungarian opposition's public commemoration of the June 16 hanging of Imre Nagy triggered massive police deployment and confrontation. The authorities, however, sanctioned a ceremony at Nagy's unmarked gravesite and a church service. They also sanctioned, on unspecified conditions, the exhumation of Nagy's body and its reburial in a marked grave, another step toward his eventual rehabilitation. As of year's end, although the authorities had apparently initiated the process of identifying gravesites and bodies, the exhumation and reburial had not yet occurred. During the second half of 1988, as part of the selective rehabilitation of Nagy, the recollections of Andras Hegedus--who preceded Nagy as Prime Minister and signed the document "requesting" Soviet intervention in 1956--were published serially and as a book.

On the anniversary of the Hungarian revolution of March 15, 1848, the official media for the first time gave attention to an opposition event, although their reports were distorted. At year's end, however, straightforward official press reporting of opposition meetings and issues had become routine.

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During the year, the regime appeared to change its policy on discouraging samizdat publishing. In early March, police raided seven dissidents' apartments, ostensibly seeking "inflammatory" leaflets on the eve of the opposition's planned March 15 demonstrations. Police seized 10 typewriters, a word processor, large quantities of samizdat books, and an entire press run of the samizdat journal "magyar Zsido" (Hungarian Jew). The leaflets, headed "What Do We Want?", were based on the 12 points proclaimed during the Revolution of 1948. Inter alia, the leaflets called for Soviet troop withdrawal from Hungary "taking into account the Soviet Union's rightful interest of self-defense," independent and democratic labor unions, and alternative service for conscientious objectors. In May police returned the typewriters and word processor, which had been legally imported into Hungary. Later in the year, there was no recurrence of police raids against samizdat publishers. Several Hungarian officials said they did not perceive most of the country's established samizdat journals as a problem. Some prominent figures in the regime advocated the formal legalization of samizdat. In late 1988 along with the proliferation of clubs and proto parties, a number of independent or quasi-independent publications, e.g., Reform, Kapu (Gate), and Hitel (Credit), were allowed to appear.

Party and government authorities continued to monitor the press, radio, and television, all of which are government owned. However, the official Hungarian media have expanded their coverage, including limited television coverage, of controversial subjects, reporting meetings of the Hungarian Democratic Forum, popular demonstrations about the status of Romania's Hungarian minority, and opposition to the Bos-Nagymaros dam project on the Danube, the trial of retired steelworker Gyula Kristaly cited above, and Central Committee (CC) meetings.

In terms of media access, the May 20-22 National Party Conference, at which Karoly Grosz replaced Janos Kadar as HWSP General Secretary, was notably open. There was extensive national television coverage; the entire plenary proceedings were viewed by journalists on closed-circuit television, and leading political figures made themselves available for informal press conferences. In September, the first edition of the independent journal Reform carried the first detailed Hungarian media account of the Conrad spy case which involved transmission of NATO military secrets via two ethnic Hungarians living in Sweden. Further, the official press reported the position of the Independent Scientific and Technical Workers' Union on inflation and economic management, although the Union's existence had not been legalized. Similarly, the wide-circulation weekly HVG in September reported the views of the independent youth group FIDESZ, although the organization's legality had not yet been officially established.

Film enjoys the greatest degree of freedom of political expression. Significantly, Hungarian films are produced before undergoing governmental review for public showing. This means that the making of controversial films is not prohibited; however, one film--a documentary interview on politics in the 1950's--is currently banned from public viewing.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly and the right to form associations, government approval or tacit acceptance is required for the exercise of such rights. Legal

norms came under public scrutiny when the Government on August 27 unveiled its draft laws on assembly and association. During the autumn and early winter, however, the drafts underwent substantial unpublicized revision.

As initially publicized, the draft laws contain similar legal tests for assemblies and associations, disallowing those "which may violate the security of the State, public order, public morals, or may result in the violation of public health or the rights and freedom of others." The drafts further define activities violating the security of the State, public security, and public order to include "activities which may endanger the independence, territory, and alliance system of the Hungarian People's Republic." An opposition document which circulated in September criticized the catchall nature of these tests, which have apparently been revised.

The draft law on assembly provides that 5 days' notice be given for public gatherings, which the police may ban. This procedure was followed in the major Budapest demonstrations of March 15, June 27, and September 12. The latest available version of the draft law calls for only 3 days' advance notice, a procedure followed prior to the October 23 demonstration. However, the Government's actions in banning the November 15 demonstration near the Romanian Embassy did not conform to the draft law on assembly, and, in defending the Government's decision in Parliament, Interior Minister Horvath cited hitherto unknown statutes.

During 1988 the regime's posture on public assemblies was mixed. On March 15, the anniversary of the 1848 Revolution, 8,000 people demonstrated in the streets at several sites with official foreknowledge. The police detained eight opposition figures during the day but otherwise displayed restraint. The authorities used loudspeakers blaring patriotic music to interfere with speechmaking, but dissident Gaspar Miklos Tamas delivered a speech in front of the National Assembly calling for freedom of speech and the press, the resignation of the Communist Government, and free elections.

For the opposition's June 16 commemoration of Imre Nagy's hanging, the authorities permitted a gravesite ceremony and a church service, but deployed overwhelming police forces and used confrontational tactics against a public demonstration in Budapest by some 500 opposition activists. As in March, police briefly detained opposition leaders. In dealing with the demonstrators, police arrested about 10 persons, charged the crowd with motorcycles after it had begun to disperse, and employed excessive force against some demonstrators. Samizdat publisher Gabor Demszky and his wife Roza Hodosan were beaten after being taken into custody, and police kicked Gabor Bouquet, a worker, in the back and briefly detained him.

After banning a planned silent demonstration to mark the start of the 1956 revolution on October 23, authorities deployed large numbers of police, substantially outnumbering the demonstrators, to prevent and break up activities. No violence was reported. One person was briefly detained for singing the national anthem and refusing to leave. Hungarian police harassed and detained 19 young men after they demonstrated in Budapest's Vorosmarty Square against the celebration in Hungary of the Soviet November 7 anniversary. One of the demonstrators, Tamas Kiss, required medical attention after being hit in the head by a police truncheon at the demonstration, but 1 week later he appeared fully

recovered. The banned demonstration near the Romanian Embassy on November 15, resulted in 3 demonstrators requiring medical attention and another requiring several days' hospitalization for head injuries. One of the founders of the organization of Romanian refugees in Hungary, Virgil Parvu, was shortly afterwards expelled from Hungary to the West.

Other demonstrations in 1988 fell within the bounds of official tolerance. On September 12, 15,000 people in Budapest demanded that construction of the Bos-Nagymaros dam project on the Danube be halted because of its probable environmental damage and questionable economic rationale. On June 27, up to 50,000 people, with official permission, marched past the Romanian Embassy to protest planned Romanian demolition of Transylvanian villages in which members of the Hungarian minority live. Two other minor demonstrations in 1988 were also directed at the Romanian Government's treatment of Transylvanian Magyars. None of these demonstrations would have been tolerated 2 years ago.

It is not yet clear how the new law on associations may affect the formation and functioning of independent groupings. Justice Minister Kulcsar disclosed November 10 that, under the draft law on association, "private persons and legal entities may set up political parties, trade unions, interest representations, and other social organizations." At the same time, Kulcsar indicated that legal establishment of new parties would have to await the adoption of a new law on parties, as well as the adoption of a new Hungarian constitution in the spring of 1990 to replace the Stalin-era Constitution of 1949.

Under the regime's attitude of forbearance, numerous unofficial groupings were launched in 1988. The Hungarian Democratic Forum, representing various opposition tendencies, was tolerated early in 1988 and gradually institutionalized itself. Although four prominent persons were expelled from the party in April for participating in the Democratic Forum, official journalists later in the year reported on Democratic Forum meetings in the official media. An independent youth organization (FIDESZ) and the Independent Union of Scientific and Technical Workers (TDDSZ) were officially launched despite initial official discouragement and the standard ideological views that KISZ, the ailing official youth organization, and SZOT, the official trade union federation, are the exclusive representatives of youth and workers respectively. Another opposition group, the Network of Free Initiatives, attracted over 2,000 associates although it broke into two parts in November, the main group continuing as the Association of Free Democrats.

Party and government officials met privately with the new independent organizations and developed a cautious dialog with them.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although freedom of conscience and freedom of religious practice are affirmed in the Constitution, they are subject to restrictions. The State in principle opposes but does not rigorously impede the practice of religion. The authorities profess the acceptability of believers and nonbelievers

working together in the interest of "Socialist society." Virtually all major denominations--the Mormon Church most recently--are now officially recognized. The Government has generally maintained good relations with the hierarchies of the major religious denominations, many of which have representatives in Parliament. The profession of religious beliefs, however, can limit a person's advancement in government, industry, and the professions. Party members and those in the teaching professions are not allowed to be active believers.

There have been reports of official discrimination against the Faith Church, a charismatic Christian group known until 1985 as the Assembly of God. The Faith Church, which has some 1,000 adherents in Hungary, has been denied official registration, while church activists have reportedly been subject to occasional police harassment and job sanctions.

Religious denominations in Hungary have generally good access to religious materials, including Bibles and prayer books. In many cases, they print their own. They also publish periodicals and newspapers. An International Bible Society Conference took place in Hungary during the summer. The State sets numerical limits and imposes censorship on books, but for some smaller denominations the main limiting factor is money. Various reformed churches became a focal point for public collection and distribution of assistance to refugees from Romania during 1988.

Churches do not act as organizing centers for dissent. However, a growing number of primarily young believers have formed loosely affiliated, grass-roots organizations called "basic communities," which function outside or on the periphery of official church structures. The authorities have not detained or arrested clergy. Officially, 159 young men are serving prison terms ranging up to 3 years for refusing obligatory military service for religious reasons. According to official press reports, this group consists of 146 Jehovah's Witnesses, 1 Nazarene, 6 Catholics, 2 Adventists, 2 who gave no reason, and 2 who cited political considerations. The right of conscientious objection to military service is broadly recognized for two denominations, the Nazarenes and the Seventh-Day Adventists, because conscientious objection is a precept of these religions. The issue, which has been actively pushed by the democratic opposition, has also been debated within the regime. At midyear the authorities disclosed that, in the future, forms of alternative service would be made more broadly available. However, the official statement did not address the situation of the 159 young men presently incarcerated, or affect young men currently up for induction into the armed forces.

During 1988 the State Office of Religious Affairs and the principal Hungarian denominations continued an active dialogue with Western religious groups and leaders. The Government worked constructively with an American Jewish organization charged with preserving Jewish cemeteries, and planning began for another Billy Graham crusade in Hungary. The authorities invited Pope John Paul II to visit Hungary, and an estimated 50,000 Hungarian Catholics traveled to Austria to participate in the Pope's June 23-24 visit to the village of Darazsfalva.

Notable events for the Hungarian Jewish community included Israeli Prime Minister Shamir's September 13-15 visit to Budapest, and the Emanuel Foundation's July 2 dedication of a

holocaust memorial in the courtyard of Budapest's main synagogue.

The major religions have theological training institutes, though limits are imposed on the number of seminarians. The State permits construction of some new places of worship. In the last 20 years, approximately 50 new Baptist churches have been built in Hungary. The Baptist construction, partially funded by overseas contributions, also points to close connections Hungarians maintain with their coreligionists and hierarchies in other countries. Religious leaders may generally travel abroad so long as they have adequate hard currency resources for the purpose.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All adult citizens are issued an identity booklet which they must carry at all times. They must register with local police when moving from one locality to another. However, no permission is required for moving within Hungary, except to Budapest, where overcrowding has led the Government to restrict the number of new inhabitants.

The new passport law, which came into effect January 1, 1988, considerably eased international travel for almost all Hungarians. For the first time in a Communist country, passports valid for worldwide travel became available on demand for nearly all citizens. Some 2.5 million new passports were issued in the first 9 months of 1988. Through the end of September, Hungarians made 7,677,328 trips abroad, including 1,715,513 departures through or to Austria for a threefold increase over the previous year. Under the new law, the principal impediment to foreign travel became legal possession of the equivalent of $60 in hard currency. Through September, Hungarian tourists in Austria spent the equivalent of $413 million, and some $40 million over the November 7 holiday weekend.

According to official statistics, 5,891 passport applications were denied through September 30 for various reasons. During July 19-27, five persons who had been denied passports, plus three sympathizers, went on a hunger strike in a Budapest apartment timed to coincide with General Secretary Grosz' visit to the United States. Four of the hunger strikers had been denied passports for "severely violating the laws of the Hungarian People's Republic" while on previous trips abroad. These "severe violations" included articles published in U.S. newspapers and interviews given to Radio Free Europe. The fifth hunger striker was one of 500 people officially estimated to be barred from obtaining passports on grounds of "illegal acts" committed in 1956. In August passports were issued to all five hunger strikers, and the Justice Ministry announced proposals to eliminate the passport disability for 1956 offenders through case by case litigation or a general amnesty. The Government's official daily, Magyar Hirlap, ran an accurate and even sympathetic account of the hunger strike on August 2.

The rules for legal emigration have also been substantially relaxed, although they still do not permit completely free emigration. A Hungarian can claim a right to emigrate only for family reunification, to join a family member (including a grandparent), as well as to join a first degree family member or spouse. It is required that the prospective emigrant:

have no debts; have a guarantee of support or other financial arrangements in the new country; be exempted from or have fulfilled any military service obligation; and not be a criminal. It is also required that his or her emigration present no security risks to Hungary. Technically, permission to join a relative abroad may be refused, if the relative is abroad without permission from the Government, until 5 years have passed since that person's departure. The law provides for exceptions to all restrictions in individual cases, and persons who are refused permission to emigrate may appeal and reapply. Reapplications are often successful, especially if there are special humanitarian considerations. There have been no pending cases of family reunification since 1986. Emigration permission is virtually guaranteed to any Hungarian over 55 years of age.

Those who do not receive permission to emigrate normally suffer no official sanctions, such as loss of employment or housing. Emigrants are allowed to take a modest amount of personal property with them. Persons who have emigrated legally from Hungary may apply to return for resettlement, but the right to return is not guaranteed. They must establish that there is housing and employment or other income available to them. Persons who have left Hungary illegally or who have defected may be subject to criminal penalties. Under the law, such persons may be tried in absentia and sentenced to the confiscation of their property and a suspended jail term of up to 3 years. In practice, these provisions appear not to have been applied for some years. Those charged with minor travel-related infractions may be denied permission to travel abroad for up to 5 years.

Since late 1987, Hungary has offered refuge to over 20,000 persons from Romania. The flow continues; most of them are ethnic Hungarians citing overall bleak economic conditions, professional and job-related discrimination against Hungarians, the repressive and ultranationalistic political climate in that country, and a related decline in opportunities for Hungarian-language education and cultural expression in Romania. A limited number of them--less than 10 percent--are ethnic Romanians. Assistance efforts have been organized through local government bodies, the Hungarian Red Cross, and churches. The Hungarian Government has repeatedly come under domestic criticism--most seriously in January--for forcibly repatriating Romanians. A limited number of involuntary repatriations continues. Officials say the repatriations are with cause, including criminal records; opposition groups and some refugees say that ethnic Romanians and Gypsies are most liable to involuntary repatriation. People thus returned are reportedly subject, in Romania, to beatings, jail sentences, work without pay, and forfeiture of property.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Hungarian political system is dominated by the leadership of the Hungarian Socialist Workers' Party. Citizens are not free, under the law, to change their political leaders or the system of government. In practice, debate within the leadership has become more open and subject to a measure of spontaneity. Party leaders remain preoccupied by the need to redefine the leading role of the Party. Many of them believe the Party should have dominant but not absolute authority and should withdraw from operational functions of the system.

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Parliamentary elections occur every 5 years. In the last election, in 1985, most parliamentary candidacies were contested, and 12 out of 386 were elected independently of the HWSP and party-controlled Patriotic People's Front. Election is ostensibly by secret ballot, although there are substantial questions about counting and mechanics. In the past year, parliamentary debates have become somewhat more active, and some procedural scope has been given to members who disagree with or seek to modify government proposals.

The role of women in political life is limited. Currently, 18 members of the 108-member Central Committee are women; also, 2 of the 11 Politburo members, 81 of the 386 members of Parliament, and 1 of Hungary's 19 county party first secretaries are women. Men substantially outnumber women in opposition councils as well, although in September feminists staged a demonstration against the Bos-Nagymaros dam.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government shows continued sensitivity concerning outside charges or investigations of alleged human rights violations. In practice, it has taken steps to accommodate Western concerns in some cases (as with Laszlo Rusai's psychiatric detention and the trial of Gyula Kristaly, at which Amnesty International (AI) observers were allowed). The authorities have, however, rebuffed Western interest in the situation of jailed conscientious objectors like Zsolt Keszthely. They agreed to the September 6 Budapest rock concert for human rights, which was sponsored by AI and included performances by Bruce Springsteen and Sting.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Both in theory and in practice, Hungary is sensitive and responsive to the cultural aspirations of its recognized ethnic minorities. Schools providing instruction in the mother tongue and varieties of ethnic expression are encouraged on a nondiscriminatory basis. A major reason for this policy is the hope of creating a "demonstration effect" which will indirectly benefit the millions of Hungarians living as minorities in adjacent countries. Although national minority groups are encouraged to form their own associations, nonnational groups do not enjoy the same degree of freedom.

A large number of Gypsies (estimates range up to 5 percent of the population) live in Hungary. Although they are not recognized as an official minority, the Government engages in many programs specifically designed to raise their standard of living and to help them to be absorbed into the mainstream of Hungarian life. However, Gypsies are, on the average, considerably less well educated and poorer than the majority Magyar population or the recognized ethnic minorities. Candid discussion continues to appear in the press and specialized literature about the social and economic difficulties experienced by Gypsies, including the fact that considerable popular prejudice against them exists.

Women account for one-eighth of the management positions in industry and agriculture. Approximately half of them attained these positions in the past 5 years. Women's share of senior positions, such as general director at state industrial

complexes, is considerably lower. Women's share of professional positions has been increasing. About 8 percent of women are professionals, compared to nearly 9 percent of men.

Section 6 Worker Rights

a. The Right of Association

Legal norms and actual practice in the organization of trade unions are in flux. The official trade union organization, SZOT, is under substantial pressure from several directions. SZOT membership in 1988 fell off by some 400,000, or nearly 10 percent, as workers were given the option of declining to allow automatic withholding of union dues from their pay. In theory, SZOT remains the exclusive legal representative of workers in Hungary, and some 90 percent of Hungary's 4.5 million employed persons are members of SZOT's 19 affiliated unions. SZOT remains subject to party and government control through a variety of channels. Sandor Nagy and the new SZOT leadership, which took over in late May, are taking steps, including selective endorsement of strikes, to shore up SZOT's standing among its membership. SZOT is affiliated with the World Federation of Trade Unions.

Hungary's first independent union, a grouping of scientific and technical workers (TDDSZ), was launched in the spring of 1988 and has succeeded in establishing itself as an institutional force. TDDSZ officials have dealt with senior government figures. There is evidence of employers dealing with both SZOT-affiliated unions and TDDSZ in negotiating labor contracts. TDDSZ policy positions have been reported in the national press. More recently two additional white-collar independent unions have been formed (teachers and motion picture employees, with prospective groupings of lawyers and journalists). Despite official tolerance of the independent white-collar unions, it is clear from episodes like the conviction (with suspended sentence) of retired steelworker Gyula Kristaly for "incitement" (i.e., circulating pamphlets advertising worker grievances) that the authorities remain apprehensive about formation of independent labor organizations among industrial workers and will continue to discourage their formation.

SZOT and government leaders have been addressing the issue of conditions under which strikes are appropriate. Until August 1988, no strikes were officially reported, although local work stoppages have occurred over issues like wages and work schedules.

During August 23-24, about 1,700 Pecs coalminers participated in Hungary's first officially publicized, nationally televised work stoppage. The issue was income tax liability for bonuses. The strike was endorsed by the official miners' union. Along with two subsequent strikes, it suggested a pattern of authorized work stoppages which allow workers to let off steam, secure concessions, and strengthen the posture of the official unions in representing workers. Perhaps the most significant aspect of these publicized strikes was in beginning the process of educating workers and enterprise managers that strikes, under certain conditions, are a normal development.

b. The Right to Organize and Bargain Collectively

In most of the Hungarian economy, wages are still centrally mandated and not subject to collective bargaining. Managers have some flexibility in job categorization and in payment of allowances, which gives potential importance to worker-management discussions in individual enterprises. A 1988 documentary film on industrial relations in a northeastern steel mill suggested that managers in some unprofitable, heavy industrial enterprises are able to use fear of unemployment among unskilled workers as a means of tightening labor discipline.

Labor legislation and practice are uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Criminal Code provides that persons having no visible means of support, who are convicted for the second time within 2 years of refusing to work, may be sentenced to 1 year's imprisonment, reformatory work, or a fine--or the judge can elect to expel the convicted person to another part of the country. More than 2,000 persons were reportedly convicted under this law in 1987; the vast majority of these persons were allegedly addicted to drugs, alcohol, gambling, or other dangerous lifestyles. Gypsies have been prosecuted under this law, but there is no evidence of its use against political dissidents.

d. Minimum Age for Employment of Children

The minimum age for employment is 15 years. There are no reports of significant abuses.

e. Acceptable Conditions of Work

Hungarian workplaces are obligated under law to provide workers with safe working conditions, a hot meal at heavily subsidized prices, and such pay-related benefits as overtime. The Government guarantees all Hungarians the right to 15 days of paid vacation per year and 1 additional day for each 3 years of service. The minimum wage is equivalent to $57 per month at the official exchange rate, which is not sufficient to provide a decent standard of living for a worker and his family. The Government provides all workers with free health care and pensions. The average official workweek is approximately 45 hours, though most Hungarians supplement their incomes by working after hours in cooperatives and private second jobs. Many must do so in order to provide a decent standard of living for their families. Safety conditions in Hungarian firms are not up to U.S. standards, but the Government and employers work to ensure that work conditions meet international norms.

Institutionalized unemployment has occurred as a result of efforts to restructure inefficient industry and rationalize labor resources. Workers who lose their jobs because of restructuring currently receive 100 percent of their wages for 6 months, 75 percent for the next 3 months, and 60 percent for a further 6 months. Since April 1, these benefits have been paid out to redundant unemployed workers regardless of how many workers were fired in a single job action; previously, at least 10 workers had to be fired in a single job action in order to meet the definition of job loss due to restructuring.

ICELAND

Iceland is a vigorous, multiparty, parliamentary democracy in which freedom of the press and freedom of association are sacrosanct. Its literate and educated people participate in high percentages in regular fair and free elections which determine the distribution of power among political parties and leaders.

The civil and criminal justice systems offer equal protection to all. The nation has no indigenous military forces or political security apparatus.

Iceland has a mixed, open economy in which all of its citizens enjoy the right to hold private property.

Icelanders have long been strong defenders of human rights both at home and internationally, and the country has an exemplary human rights record.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killings do not occur.

b. Disappearance

There were no instances of abductions, hostage-taking, or disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment are all prohibited by law and do not occur in practice.

d. Arbitrary Arrest, Detention, or Exile

Due process is provided by law and observed in practice. The Icelandic Constitution states that any person detained by the authorities must be brought before a judge within 24 hours and either charged, released on bail, or released unconditionally. Any unfavorable judicial ruling at that point may be appealed immediately to a higher court. Preventive detention is not practiced. There were no allegations of arbitrary arrest.

There is no exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Defendants may confront witnesses and otherwise participate in public trials, which are fair and free from intimidation. In addition, defendants are guaranteed the right to competent legal counsel of their own choice. In cases where defendants are unable to pay attorney's fees, the State does so. The courts are free of political control. Although the Ministry of Justice administers the lower court system, the Supreme Court carefully guards its independence and fairness. Juries

are not normally used, but multijudge panels are common, especially in the appeals process, and due process is rigorously observed. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution and in practice, there is deep respect for the autonomy and rights of individuals. A warrant from a court is required for entry into a home except in cases of hot pursuit. Arbitrary intrusions by official entities, political organizations, or any other organized group into the private beliefs or personal liberties of individuals do not occur.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution expressly forbids censorship and other restrictions on the freedom of the press and a person's right to express his thoughts. Citizens and the media exercise this freedom extensively. Academic freedom of expression is vigorously exercised.

b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens the right to join together formally or informally to form associations without governmental authorization. A varied and wide spectrum of voluntary organizations plays a vital role in Icelandic politics and society. Icelanders are free to maintain international contacts. In addition, the Constitution provides for the right to assemble unarmed, except when it is feared that such gatherings may cause riots. In practice, plans for public meetings are virtually never forbidden, and the authorities only rarely modify them.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although the Lutheran Church is the established church of Iceland and the vast majority of citizens are nominally members, there is complete freedom for other faiths. A variety of both Christian and non-Christian faiths are allowed to proselytize freely. They may maintain ties with and receive support from coreligionists abroad. Religious affiliation is not a factor in political or economic life.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Icelanders have freedom to travel at home and abroad, to emigrate, and to return to Iceland at will. Refugees are never compelled to return to a country in which they would face persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The political system is an open, fully functioning, parliamentary democracy in which voters freely choose the members of the Althing (Parliament) who, in turn, make the

laws of the land and determine the composition of the Cabinet. Parliamentary elections are held at 4-year intervals unless the Althing dissolves itself before the end of its full term. Voting in elections and membership in the various political parties are open to all citizens who are 18 years of age or older. Primary elections are used to select most Althing candidates. Multimember districts and proportional representation increase the chances for minority viewpoints to be represented. In addition, there is a strong cultural insistence on having the views of all significant groups represented in the Althing.

In the last parliamentary election in April 1987, seven parties won seats in the Althing, including two which had not previously had seats. Because no single party had a majority of seats, negotiations among the parties resulted in the orderly transfer of power to a new three-party coalition government in July 1987. This coalition broke up on September 17, 1988. On September 28, the Progressive Party, Social Democratic Party, and People's Alliance formed a new left-center government with Steingrimur Hermannsson of the Progressive Party as Prime Minister.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No serious human rights violations have been alleged. In 1987, however, one Icelander complained to the European Commission on Human Rights that it was a violation of his rights to have an official of the same agency which accused him of violating a traffic law also pass judgment on and sentence him (i.e., impose a monetary fine for speeding). The Commission has agreed to accept this case, and it is now pending. The Icelandic Minister of Justice introduced a bill in the 1987-88 session of the Althing which would have transferred all judicial authority from local officials, who also serve concurrently as chiefs of police, to a new system of eight district courts. This bill will be reintroduced in the 1988-89 session of the Althing and, if passed, will remedy the substance of complaints of this type.

Several human rights organizations are active in Iceland, including Amnesty International. The Government and populace of Iceland support international efforts to improve human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Iceland's ethnically homogeneous population is fiercely egalitarian and opposed to discrimination regardless of whether it is based on sex, religion, or other factors. Although women have long participated freely in the nation's social, economic, and political life, they nevertheless continue to be underrepresented in the professions, management, and politics.

Women in all of Iceland's political parties are continuing efforts to expand their roles and power. In the April 1987 parliamentary election, the Women's List succeeded in raising its share of the popular vote to 10.1 percent, compared with 5.5 percent in the 1983 election, and won six seats in Parliament, compared with three in the previous election. As

a result, women now hold 13 out of 63 seats in the Althing. A woman holds 1 of the 11 Cabinet ministries, and Iceland's popularly elected Chief of State, the President, is a woman.

Section 6 Worker Rights

a. The Right of Association

Workers and employers in Iceland make extensive use of the rights to (a) establish organizations, (b) draw up their own constitutions and rules, (c) choose their own leaders and policies, and (d) publicize their views. The resulting organizations are not controlled by the Government or any single political party but instead reflect the views of their members. Icelandic unions participate actively in European and international trade union organizations.

With the exception of limited categories of workers in the public sector whose services are essential to public health or safety (e.g., air traffic controllers), unions have possessed and used the right to strike under the law in Iceland for many years. However, the right to strike was abridged through April 10, 1989, when the Government of Iceland promulgated a provisional law on May 20, 1988, intended to cool down the overheated economy.

b. The Right to Organize and Bargain Collectively

Over 90 percent of all eligible workers in Iceland are in unions. There are no impediments to union membership in law or in practice. Virtually all unions utilize the right to bargain collectively on wages, working conditions, and related issues. Labor legislation and practive are uniform throughout Iceland. A system of labor courts adjudicates disputes over labor contracts and over the rights and provisions guaranteed under the 1938 Act on Trade Unions and Industrial Disputes.

Under the provisional law of May 20, 1988, those unions which had not yet concluded labor contracts were prohibited from making agreements giving workers larger increases in wages and benefits than the contracts concluded prior to May 20. The provisional law also set aside through April 10, 1989, any provisions of labor contracts which would have permitted workers to cancel or renegotiate these contracts in the event that the consumer price index exceeded the predicted levels (called red lines) on specified, quarterly dates. (Red line provisions are common in Icelandic labor contracts.) The Icelandic Federation of Labor (IFL) protested this law publicly and sent a complaint to the International Labor Organization (ILO) citing all three provisions as infringements of workers rights. In July the ILO formally requested the Government's position and views on the IFL complaint. To date, the Government has not responded.

On August 26, 1988, the Government promulgated another provisional law affecting many labor contracts. This law froze wages and prices through September 30, 1988. A third provisional law, promulgated on September 28, extended this freeze through February 15, 1989, thereby depriving most workers of two or more wage increases scheduled under existing labor contracts. The IFL publicly protested these laws.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor does not exist in Iceland.

ICELAND

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor does not exist in Iceland.

d. Minimum Age for Employment of Children

The employment of children below the age of 16 in factories, on ships, and in other places which are hazardous or require hard labor is prohibited by law, and this prohibition is observed in practice.

e. Acceptable Conditions of Work

Icelandic workers are protected by laws which effectively ensure their health and safety as well as guarantee them unemployment insurance, paid vacations, pensions, and reasonable working conditions and hours. Although there is no minimum wage law, union membership is so pervasive and effective that labor contracts, in effect, guarantee even the lowest paid workers a sufficient income to give them and their families decent living conditions. Food, shelter, health care, and education are all guaranteed without discrimination to those lacking adequate income because they are too old, too young, sick, or otherwise disadvantaged.

IRELAND

The Republic of Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. Individual liberties and civil rights are guaranteed by the 1937 Irish Constitution and subsequent Supreme Court interpretations.

A civilian police force maintains public safety. Successive Irish governments have had to deal with the spillover into the Republic of violence in Northern Ireland. The violence led Irish authorities to adopt special legislation in 1984 granting the police increased powers to detain and interrogate those suspected of acts of terrorism. During 1988 the Government continued to apply such special legislation with restraint.

The Irish economy performed well in 1988 despite continued fiscal austerity and unemployment at about 18 percent. Exports were strong, and the government budget deficit was reduced.

The Government and people of Ireland attach great importance to the observance and maintenance of human rights, both in theory and practice at home and abroad. They place strong emphasis on human rights in formulating foreign policy, and Ireland plays an active role on human rights questions in the United Nations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no political killings in the Republic in 1988. In the past, politically motivated killings have occurred as a spillover from the violence in Northern Ireland. In these cases, such groups as the Provisional Irish Republican Army (PIRA) or the Irish National Liberation Army (INLA) usually claim responsibility. The Government uses the full force of law to pursue and prosecute such cases wherever possible.

b. Disappearance

People are not abducted, secretly arrested, or held in clandestine detention by the Irish authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and other cruel, inhuman, or degrading punishment is respected in practice by the Government. From time to time, allegations have been made that individual policemen have used physical abuse during interrogations or have mistreated prisoners. As an adjunct to the Omnibus Criminal Justice Act of 1984, Parliament passed the Garda Siochana (Complaints) Act of 1986. The Act provides for the investigation and adjudication of complaints about the conduct of members of the police. In 1987 a Complaints Board and Complaints Appeal Board were set up pursuant to the Act to consider breaches of discipline and related matters.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that a person shall be deprived of personal liberty only in accordance with the law. The same

section of the Constitution provides for a judicial determination of the legality of a person's detention and requires in such cases that the arresting authorities make written explanation to the court about the person concerned. Neither in law nor in practice is anyone subject to arrest for the expression of political or religious views. Arrest is carried out openly, and the right to a fair and speedy trial with full right of legal counsel exists in law and practice.

Detention without charge is restricted. It is permitted for a maximum of 48 hours, however, in cases covered by the Offenses Against the State Act of 1939, legislation designed to "prevent actions and conduct calculated to undermine public order and the authority of the State." This legislation was reactivated in 1972 and broadened to include other "scheduled offenses" against peace and order. The police can now arrest and detain for questioning anyone suspected of any offense involving firearms, explosives, membership in an unlawful organization, or malicious damage to property. After the 48-hour period, the person must be brought before a magistrate, presented with written charges, and given legal representation.

The Omnibus Criminal Justice Act of 1984 gives some increased powers to the police in the area of detention for interrogation. Critics of the 1984 Act have argued that those increased powers, which did not come into effect until 1987 following implementation of the companion complaints procedure, are out of proportion to the threat addressed and are unhealthy for democracy. Defenders of this legislation counter that two issues of human rights are at stake: the right of citizens to be protected against crime, along with the safeguarding of individual rights from abuse by police.

Neither incommunicado detention nor exile is used. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Fair public trial is guaranteed by the Constitution and respected in practice. The courts are independent, and jury trial is the norm. The Constitution provides, however, for the creation of "special courts" to deal with cases where the "ordinary courts are inadequate to secure the effective administration of justice, and the preservation of public peace and order." The Offenses Against the State Act of 1939 formally set up such courts and provided that they may try persons for offenses against national security, particularly cases of political violence perpetrated by terrorist groups likely to intimidate regular juries. Rather than having juries, these courts have panels of judges, each consisting of an uneven number of judges, but in any event not less than three. Their verdicts are by majority vote. Rules of evidence generally are similar to those of regular courts, except that the sworn statement of a police chief superintendent that the accused is a member of an illegal organization is considered prima facie evidence of such membership. Court sessions are usually public but may exclude certain persons, other than genuine press representatives. There is provision for free legal aid and appeal against conviction or sentence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Though not specifically provided for in the Constitution, the basic human right of noninterference with personal privacy,

family, and home is affirmed by the Supreme Court and generally observed. The Constitution, however, provides that the State shall enact no law "providing for the grant of the dissolution of marriage." A proposal to amend the Constitution to permit divorce in limited circumstances was overwhelmingly defeated in a 1986 nationwide referendum. In the same year, the European Court of Human Rights ruled that the absence of divorce is not a breach of the European Convention on Human Rights.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are provided for by the Constitution and generally respected in practice. The State endeavors to insure that organs of public opinion, while preserving liberty of expression (including criticism of government policy), are not used to undermine public order, morality, or the authority of the State. Furthermore, "publication or utterance of blasphemous, seditious, or indecent matter" is an offense punishable by law.

Ordinarily, official censorship is directed largely toward pornographic material. Nonetheless, the state-owned radio and television network, on the basis of the constitutional provisions dealing with public order and the authority of the State, denies air time to members of a list of organizations including (Provisional) Sinn Fein, the legal political wing of the illegal Provisional Irish Republican Army (PIRA). In 1982 this prohibition was challenged before the Irish Supreme Court and upheld on constitutional grounds. All political parties not on the list are given access to both public-owned radio and television facilities and major independent daily newspapers. Criticism of the Government in such media is not only allowed but flourishes. Academic freedom is the norm.

b. Freedom of Peaceful Assembly and Association

These freedoms are ensured by the Constitution and respected in practice. Certain terrorist organizations, such as PIRA and INLA, however, are illegal, and membership in them is an offense against national security. Political parties or groups associated with such organizations, such as (Provisional) Sinn Fein, are not proscribed.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Ireland is 94 percent Roman Catholic. The Constitution guarantees freedom of religion. There are no restrictions upon freedom of worship or association. Discrimination in employment, education, and other fields based on religious grounds has not been alleged. Some Irish laws, such as the prohibition against divorce, reflect the point of view of the majority of the population. The area of family law--including the rights of illegitimate children--is the subject of current debate in which minority religious communities have felt fully at liberty to take a vocal and active role.

IRELAND

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is complete freedom of movement within the country, as well as freedom to engage in foreign travel, emigration, and voluntary repatriation. Irish authorities have accepted displaced persons only on a limited basis and firmly apply international definitions to those who claim refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Ireland has enjoyed a consistent history of orderly transfer of power by elections since the end of the Irish Civil War in 1923. The country has several political parties and provision for independents to stand for election to either house of the Irish Parliament. The constitutional requirement that elections be held at least every 7 years has always been met. Ireland uses a proportional voting system, and the secrecy of the ballot is fully safeguarded.

Women hold prominent positions in the political parties, the Parliament, and Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Irish governments generally cooperate with independent outside investigations of alleged human rights abuses, although they have not always been receptive to prisoners' rights groups. Amnesty International (AI) is active, as is the Irish Council for Civil Liberties. Both operate freely and without hindrance in Ireland as the principal independent organizations interested in domestic human rights issues.

Ireland has had the vice-chairmanship of the U.N. Human Rights Commission, reflecting concern by both the Government and people for worldwide respect for basic human rights. This concern is reflected as well in support for AI's activities in other countries.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Government social services provide adequate shelter, nutrition, health care, and education without regard to race, religion, sex, ethnic background, or political opinion. People whose means are inadequate and who are not entitled to other benefits may receive pensions or other payments from public funds.

Women now constitute 31 percent of the paid work force. Although the Constitution recognizes the woman's role in terms of "her life within the home," women have been entering the workplace in growing numbers, particularly married women. The Anti-Discrimination (Pay) Act of 1974 and the Employment Equality Act of 1977 seek to provide protection and redress against sex and pay discrimination. Their operation is monitored by the Employment Equality Agency. The number of cases has fallen in recent years, but this has not been accompanied by real progress in eliminating the differential in the key index of average hourly earnings in industry, leading the agency itself to admit that legislation alone cannot eliminate discrimination. In 1987 the Government moved to repeal an antiquated half-century prohibition against night,

Sunday, and shift work by women in industry that is accountable for some of the gap in hourly earnings between the sexes.

In addition to equal pay issues, family law, rape law reform, and social welfare discrimination are priorities for Ireland's women's movement in the human rights field.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to strike. There is no basic law governing trade union activities. The right to join a union is guaranteed by law, as is the right to refrain from joining. Most businesses (covering over 56 percent of the labor force) are unionized.

The Irish Congress of Trade Unions (ICTU), which represents unions in both the Republic and Northern Ireland, has 81 member unions with 670,000 members. Both the ICTU and the unaffiliated unions are independent of the Government and of the political parties. The ICTU is affiliated with the European Trade Union Confederation.

b. The Right to Organize and Bargain Collectively

Labor unions have full freedom to organize and to engage in free collective bargaining. Most terms and conditions of employment are determined through collective bargaining. Labor legislation and practice are uniform throughout the country. As part of the industrial relations machinery, the Labour Court, consisting of an employer representative, a trade union representative, and an independent chairman, may investigate trade disputes, recommend the terms of settlement, engage in conciliation and arbitration, and set up joint committees to regulate conditions of employment and minimum rates of pay for workers in a given trade or industry.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited and does not exist.

d. Minimum Age for Employment of Children

The minimum age for employment is 14 years with the written permission of the parents. Irish laws limit the hours of employment for 15-year-olds to 8 hours per day and 40 hours per week. Those from 16 to 17 years of age may work up to 9 hours per day and 40 hours per week. These provisions are effectively enforced.

e. Acceptable Conditions of Work

There is no general minimum wage legislation. However, some 56,000 workers are covered by minimum wage laws applicable to specific industrial sectors, mainly those which tend to pay lower than average wages. The 1987 average weekly wage of $285 for production and transport workers was generally adequate to provide an acceptable standard of living. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours in a year. Four basic laws dealing with occupational safety provide adequate coverage. An extensive system of public health insurance offers health protection.

ITALY

Italy is a democratic, multiparty republic with a parliamentary system of government. Legislative power is invested in the Parliament, which is directly and freely elected on the basis of universal adult suffrage. Executive authority is concentrated in the Council of Ministers, which is currently led by Prime Minister Ciriaco De Mita from the Christian Democratic Party. Italy has an independent judiciary. The chief of state, the President, is elected by Parliament and representatives of Italy's 20 regions.

Terrorist violence of both the left and right has remained at low levels in recent years, due to the effective work of police and magistrates and its overwhelming rejection by the people as a whole. Although terrorism has yet to be completely overcome, its considerable reduction has freed increased law enforcement resources for the struggle against organized crime, which remains a serious problem.

Italy has an industrialized market economy ranking among the top 10 in the world in gross national product. It is characterized by sizable government ownership in the primary industrial sectors and by a dynamic private sector, comprising especially small and medium-sized companies.

The drafters of Italy's post-World War II Constitution were strongly influenced by Roman Catholic, social democratic, and labor union traditions. The Constitution contains provisions for political and civil rights that are generally observed in practice.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Neither government forces nor legal opposition organizations engage in politically motivated killings.

Levels of terrorist violence have dropped in recent years. In 1988 terrorists associated with the so-called Red Brigades-Party of Combatant Communists (BR-PCC) claimed responsibility for the killing of Christian Democratic Senator Roberto Ruffilli in April. In a manifesto discovered after the killing, the group declared that Ruffilli had been killed because he was one of the masterminds of the De Mita Government's program for reforming the Italian State and that this program, if successful, would further delay the revolution which the BR-PCC was awaiting. In September the Carabinieri arrested a group of persons, some of whom are suspected of involvement in the Ruffilli murder, and seized information on future operations planned by this group. The French subsequently arrested a suspected participant in the Ruffilli assassination.

The other major politically motivated killing in 1988 was the bombing of the United Services Organization club in Naples on April 14. One American and four Italians were killed in this bombing. Responsibility for the attack has been claimed by a little-known group calling itself the Anti-Imperialist Brigades.

ITALY

b. Disappearance

There were no cases of disappearance or kidnapings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is provided for by law and respected in practice. Cruel and degrading punishment is forbidden by law, and cases of violations have been rare. There were no allegations of ill-treatment of prisoners during 1988.

d. Arbitrary Arrest, Detention, or Exile

Police procedures in Italy are carefully controlled by law and judicial oversight. Arbitrary arrest is not practiced. Anyone detained by the authorities must be charged within 48 hours. In normal criminal cases, the permitted duration of pretrial detention varies according to the gravity of the crime. Under reforms passed in 1984, the maximum time that any person may be held in pretrial detention, even for the most serious crimes, is 5 1/2 years and no more than 2 years at each step of the trial and during the long appeals process. Lengthy pretrial detention remains a problem in Italy. As a safeguard against abuse, "liberty tribunals" are empowered to review evidence in cases of persons awaiting trial and to decide whether continued detention is warranted.

Exile as a form of punishment is unknown. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A fair trial is assured by law and observed in practice in almost all cases. Counsel is provided for the accused, free of charge, if necessary. Trial procedures are often cumbersome, with the result that trials frequently last an inordinately long time.

The judiciary is independent of the executive, and there are no political or security courts. All cases may be appealed to the highest appellate court, the Court of Cassation. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The concept of the privacy of the home is legally safeguarded and respected by the authorities. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Free speech and a free press are assured under Italy's democratic political system, which allows expression of a wide spectrum of political views. Although there is no censorship, publications may be seized for violation of obscenity laws or for defamation of state institutions. These powers are seldom invoked. Government-run radio and television are politicized at the administrative level but are open to widely differing views. A large number of private radio stations have begun broadcasting since the early 1980's to provide competition for

the state-owned broadcasting system. Public and private stations air vigorous debate on political and social issues.

b. Freedom of Peaceful Assembly and Association

Italian citizens freely exercise their right of free assembly, which is limited only in cases where national security or public safety is endangered. Permits are not required for meetings, but organizers of public demonstrations must notify the police in advance. Professional and employer associations organize and represent their constituencies freely.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Persons are free to profess and practice any religious faith. All religions are free to organize and proselytize within the limits imposed by the laws governing public order. The Government has reached agreements with some religious groups to define their rights and standing.

Italy's relations with the Roman Catholic church are governed by a 1984 agreement (Concordat) between the Italian Government and the Holy See, ratified in 1985. The agreement, which replaced the Concordat of 1929, recognizes the rights and place of Catholicism but no longer accords it the status of a state religion. The Roman Catholic Church continues informally to enjoy special standing in Italy because of the presence of the Vatican and because the overwhelming majority of Italians are, at least nominally, Roman Catholic. Roman Catholic religious instruction is offered in the public schools as an optional subject.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Italian citizens may travel freely both within the country and abroad. Emigration is unrestricted. Citizens who leave are guaranteed the right to return, and the Constitution forbids deprivation of citizenship for political reasons. Although it does not normally offer permanent resettlement to political refugees, Italy has provided temporary haven for many persons fleeing persecution who are eventually resettled in third countries. There were no cases of forced repatriation of political refugees in 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Italy has a democratic, free parliamentary system. Although the Constitution outlaws the Fascist party, a wide range of organized and active political parties exists from the far left to the far right of the political spectrum. Election campaigns are free and open, and voting is by secret ballot. The two chambers of Parliament and regional, provincial, and municipal councils are elected at regular intervals. Opposition groups are active and are frequently able to alter or reject government policies.

In Parliament, 81 of 630 deputies and 20 of 315 senators are women. Of five appointed senators for life, one is a woman. Women occupy 2 of the 30 ministerial positions.

ITALY

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Nongovernmental organizations are free to investigate conditions in Italy, attend trials, and publish their findings.

The Italian Government and nongovernmental human rights organizations support human rights around the world. Italy participates fully in various international human rights organizations. Political parties and religious groups participate in activities aimed at promoting respect for human rights. Organizations active in human rights affairs include Amnesty International, the Official Interministerial Committee for the Rights of Man, the Institute of Humanitarian Law, and Caritas International. The Government is considering the establishment of a committee to monitor the status of human rights in Italy. The already existing Interministerial Committee is responsible only for monitoring human rights abroad.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no legal discrimination on the basis of race, religion, sex, ethnic background, or political opinion. German speakers in the Alto Adige region bordering on Austria have claimed for many years that they were discriminated against on the basis of language--particularly in legal proceedings and in the schools--and a recently enacted package of reforms is aimed at providing further protection for them. This reform package is currently awaiting approval by the Austrian Government, whose consent is a formality, since approval by the Italian Parliament has already given the new measures the force of law. Italian speakers have complained that the new concessions to the German-speaking minority have in fact resulted in reverse discrimination. Italian speakers, who are a minority in many parts of the region, have claimed that they are discriminated against in obtaining housing and employment. The gradual out-migration of Italian speakers from the area will make the achievement of a balance between the two ethnic groups more difficult in the future.

The condition of women in Italy has improved greatly over the past 20 years. Women participate freely in political and social life, but, despite legal guarantees, employers continue to favor men over women in filling jobs, particularly those with prospects for advancement to management.

In January 1988, women constituted 36.6 percent of the total labor force, and their proportion of the total is increasing. Most women are employed in the service sector (64 percent of employed women), with 24 percent working in industry and 12 percent in agriculture.

Only a small percentage of Italian women hold managerial positions. They are also poorly represented in the professions. Recent statistics are lacking, but in 1981, for instance, less than 10 percent of Italian lawyers were women. Women tend to remain in traditional employment areas, although women police officers are beginning to appear in many Italian cities.

Up to the early 1960's, employers could legally dismiss a woman who married. Since 1963 it has been illegal to dismiss

a female employee within 1 year of her marriage date except "for cause." Women enjoy equal rights with men in marriage. In the event of divorce, a woman is entitled to a share of the survivor's pension and any inheritance in the event of the death of her ex-husband. The property of a married couple is considered community property unless husband and wife agree to keep their property divided. All assets acquired prior to marriage are exempt from the community property provision.

Italy does not have any important national women's rights groups independent of political parties or trade unions.

Section 6 Worker Rights

a. The Right of Association

The Workers' Statute of 1970 provides that "the right to establish trade union associations, to join them and to carry out union activities is guaranteed to all workers inside their places of work." Trade unions are not government controlled, and the Constitution fully protects their right to strike, which is frequently exercised.

b. The Right to Organize and Bargain Collectively

The right of workers to organize and bargain collectively is protected by the Constitution. Labor-management relations are governed by legislation, custom, collective bargaining agreements, and labor contracts. A key element of labor-management-government cooperation affecting the industrial relations climate has been the 1986 agreement on indexing wages (scala mobile) to the cost of living every 6 months. Approximately 40 per cent of Italian workers are covered by collective bargaining agreements. Voluntary, nonbinding mediation is provided by the Ministry of Labor and is often effective in bringing labor and management together.

There are no areas of the country, such as export processing zones, where union organizations and collective bargaining are impeded or discouraged.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor does not exist.

d. Minimum Age for Employment of Children

Under current legislation, no child under 15 years of age may be employed (with some specified exceptions). The Ministry of Labor, having consulted with the labor organizations, may, as an exception, authorize the employment on specific jobs of children over 12 years of age. The minimum age is 15 for men employed in dangerous, fatiguing, and unsanitary work, and 16 for men employed underground; in quarries, mines, and tunnels without mechanical vehicles; in weight lifting and carrying; in loading and unloading sulphur ovens in Sicily; and in occupations harmful to the workers' morale. No worker under 18 years may be employed in driving and pulling trucks and carriages, or in jobs for the manufacture, handling, and salvaging of explosives. No women, regardless of age, are permitted to be employed underground, in quarries, mines, or tunnels. Only women over 21 are allowed to work in dangerous, fatiguing, and unsanitary jobs, on the cleaning and servicing of engines, or on moving machinery.

ITALY

e. Acceptable Conditions of Work

Minimum work and safety standards are established by law and buttressed and extended in collective labor contracts. The basic law of 1923 provides for a maximum workweek of 48 hours--no more than 6 days per week and 8 hours per day. The 8-hour day may be exceeded for some special categories. Most collective labor agreements provide for a 36- to 38-hour week. Overtime may not exceed 2 hours per day or an average of 12 hours per week.

There is no minimum wage set under Italian law; basic wages and salaries are set forth in collective labor agreements. National collective labor agreements contain minimum standards to which individual employment agreements must conform. In the absence of agreement between the parties, the courts may step in to determine fair wages on the basis of practice in related activities or related collective agreements.

Basic health and safety standards and guidelines for compensation for on-the-job injury are set forth in an extensive body of law and regulations. In most cases, these standards are exceeded in collective bargaining agreements.

Enforcement of health and safety regulations is entrusted to labor inspectors, an autonomous group within the Labor Ministry who, since 1981, have the same status as judicial police officers. Inspectors make periodic visits to companies to ensure observance of safety regulations. Violators can be fined or even imprisoned. Trade unions also play an important role in reporting safety violations to inspectors.

Despite these enforcement provisions, Italy has experienced a rising number of on-the-job accidents, from a total of 769,374 in 1985 to 812,734 in 1988. Part of the problem is an inadequate number of inspectors. Due to high unemployment, there is also pressure on workers to accept unsafe conditions as a necessary evil if they are to have a job. There are many substandard workplaces in Italy, especially in the south.

LATVIA

An independent Baltic state between the two World Wars, Latvia was annexed by the Soviet Union in 1940 as a constituent republic of the Union of Soviet Socialist Republics (U.S.S.R.). The United States does not recognize the forcible incorporation of Latvia into the U.S.S.R..

Latvia is subjected to the same centralized rule, the same constitution and judicial system, the same restrictions on civil and political liberties, and the same police controls as in the Soviet Union. During the second half of 1988, Latvians became active in demanding greater autonomy to determine their political, economic, and social development.

The influx of Slavic migrants has reduced the proportion of Latvians in Latvia to less than 50 percent of the total population. In Riga, the capital of Latvia, Latvians comprise only 40 percent of the total population. Latvian unofficial groups in 1988 demanded a halt to the migration of non-Latvians to Latvia.

Like the other Baltic states, Latvia in general is more prosperous than the rest of the Soviet Union. The continued use of scarce resources for unwanted and environmentally threatening projects, however, prompted numerous public demonstrations and other expressions of concern.

The human rights atmosphere in Latvia improved markedly in 1988 as the authorities tolerated far-reaching expressions of Latvian national sentiment as well as large public demonstrations. Human rights activists and independence advocates were occasionally detained in the first half of the year, and there was one known political trial which ended in acquittal. New unofficial groups were established, such as the People's Front of Latvia, which published its platform for increased national and democratic rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known politically motivated murders in Latvia in 1988.

b. Disappearance

There were no known instances of permanent or prolonged disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In Latvia, as in the Soviet Union, prisoners reportedly continue to suffer both mental and physical abuse during interrogation, trial, and confinement. Life in prison continues to be marked by isolation, poor diet, compulsory hard labor, beatings, frequent incarceration in punishment cells for violations of camp rules, and inadequate medical care.

LATVIA

d. Arbitrary Arrest, Detention, or Exile

The number of arbitrary arrests substantially decreased in 1988. About 10 persons were allegedly detained for participating in the demonstrations on March 25, 1988, to commemorate the thousands of Latvians who were deported by the Soviets in 1949. At least one person, Linards Grantins, a leader of the human rights group Helsinki 86, was forced to emigrate before the demonstration.

The late Juris Ziemelis, who served as the de facto head of the Riga Section of Helsinki 86 until he died of cancer in December, had reportedly been detained briefly in August. Modris Lujans, an environmental activist, was arrested and charged under articles 206 (hooliganism) and 190-1 (slandering the Soviet State and social order) of the Soviet criminal code. Lujans was reportedly imprisoned from July 27 to September 5. A demonstrator who participated in one of the numerous demonstrations on Lujans' behalf was arrested and charged with "hooliganism." He served 15 days and was released but reportedly received an apology from the authorities after the Latvian cultural unions took up his case. Lujans was subsequently acquitted of the charges against him in Riga in September at a trial which his friends were apparently allowed to attend.

Promised changes in the Soviet criminal code have not yet been made, and the apparatus of repression remains in place.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

It is difficult to say with any certainty to what degree the changes in the political atmosphere have improved the possibilities of receiving a fair trial. Scattered evidence, including the case of Modris Lujans discussed above, suggests that the judiciary in Latvia is increasingly independent minded. Continued Communist Party control of the legal and judicial system, however, undercuts constitutional guarantees of the objectivity and independence of the judicial process.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through the use of informers, mail censorship, electronic monitoring of telephones, and other means, government authorities have the ability--widely exercised--to interfere in every aspect of personal life. Constitutional provisions to the contrary, Soviet investigative agencies do not abstain from forced entry and illegal searches. Surveillance of persons suspected of nationalist activity continues to be pervasive. Interference with telephone communications and mail, however, appeared to diminish during 1988.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties as long as their exercise accords with the strengthening and security of the Socialist system. In practice, the authorities tailor these constitutional guarantees to suit the convenience of the State. During 1988 the freedom to criticize past Soviet leaders and policies

considerably expanded, but the authorities continued to be sensitive to any criticism of the present leadership. Nevertheless, the ability of private citizens openly to express opinions at variance with the official line increased, and previously banned topics, such as the secret protocols to the Molotov-Ribbentrop Pact, the Russification of the Baltics, and the mass deportations of Latvians under Moscow rule, were discussed with a greater degree of candor, particularly in the Latvian-language media. The Latvian Supreme Soviet (parliament) in September decided to make the flag of independent Latvia the national flag, although it must not interfere with the display of the Soviet Latvian flag.

b. Freedom of Peaceful Assembly and Association

Peaceful assembly is controlled by the authorities under a U.S.S.R. Supreme Soviet decree of July 28, 1988, granting them the power to refuse permission to those desiring to convene public meetings. In practice, however, the authorities have been more permissive than in the past in allowing public demonstrations.

Nonparty organizations ranging from the Latvian National Independence Movement, which promotes Latvian sovereignty, to the Environmental Protection Club and the recently formed People's Front of Latvia met regularly. Demonstrations called to commemorate significant events in pre-Soviet Latvian history drew tens and even hundreds of thousands of participants. The Environmental Protection Club held a public meeting in April to protest the planned construction of a metro system in Riga. Large rallies were held in March to commemorate the 1949 deportations of Latvians, in June for the victims of Stalinism, and in August to mark the signing of the Molotov-Ribbentrop Pact, which led to the annexation of Latvia by the Soviet Union. A 2-day congress of the People's Front of Latvia, attended by about 1,800 delegates and supported by tens of thousands of people at a stadium rally, was held in Riga in October without official interference.

About 10 demonstrators were reportedly detained for their role in the earliest of these demonstrations, the March 25 rally for the victims of the 1949 deportations. Environmental activist Modris Lujans was arrested for his part in the commemoration of the victims of Stalinism and charged for allegedly displaying a placard juxtaposing the names of eight current Latvian party officials with a caption linking them to the Molotov-Ribbentrop Pact (see Section 1.d.).

The right of association is provided for in the Constitution, but this right has been limited by legislation and regime policy. After being harassed during the first half of 1988, human rights activists and unofficial groups were tolerated later in the year. The founding of the People's Front of Latvia in October was a landmark event. The group called for the radical restructuring of Latvia in accordance with the principles of democratic socialism and humanism, the democratization of society, moral renewal, and economic and cultural autonomy.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

LATVIA

c. Freedom of Religion

Constitutional guarantees notwithstanding, religious activists in Latvia are subject to systematic harassment. Church activities are tightly circumscribed, and the party and Government promote atheism through all possible channels. However, religious services were resumed at the Lutheran Cathedral in Riga in October, after it had been used as a concert hall for 30 years.

The Baptist minority experiences the same degree of harassment in Latvia that it does in the Soviet Union. Baptist Minister Mukhin and a parishioner, Dr. Nikolai Romanov, were reportedly interrogated by the Committee for State Security (KGB) and threatened with expulsion because of their campaign to force the return of confiscated churches for religious use.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither provided for by law nor respected in practice. As in the Soviet Union, the right to emigrate is not guaranteed in Latvia. Permission to leave continues to be dispensed in an arbitrary fashion. Nonetheless, the increase in issuance of exit permits by the Soviet Government has resulted in the emigration of an increased number of Latvian Jews.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people of Latvia, like those of the Soviet Union, are not free to change the party and government leaders or the system of government. The Communist Party continues to hold a monopoly on political power. Nongovernmental organizations, such as the People's Front of Latvia or the Environmental Protection Club, have demonstrated an ability, because of their large popular base, to influence government strongly in certain areas. Popular sentiment in effect forced the Government to legalize the Latvian national flag and to consider the restoration of the preannexation national anthem. The activist stance adopted by Latvia's official cultural unions, many of whose participants are members of the party, and the presence of party members within the ranks of the People's Front of Latvia has blurred what was once the absolute distinction between unofficial and government-sponsored political activity. Unofficial group representatives have nonetheless been subjected to criticism by the Latvian press and are the object of KGB surveillance.

Women in general play a limited role in the Latvian Communist Party and in political life.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Soviet Government has created an Administration for Humanitarian and Cultural ties in the U.S.S.R. Foreign Ministry, which has carried out detailed discussions with foreign representatives of human rights cases in the Soviet Union. As a result of these discussions, additional information was obtained on a number of Latvians who are under detention, and Soviet agreement to release certain prisoners was obtained. The attitude of the Latvian Government toward

investigation of human rights complaints is nonetheless basically negative. The number of human rights activists being held has declined, however, and no additional people were sentenced to prison under the "political" articles of the Soviet or Latvian Constitutions in 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of race, sex, or other grounds is prohibited in the Constitution. Since its annexation, Latvia, with its population of about 2.7 million, has been an industrial workshop and trading center for the Soviet Union. Industrialization has been accompanied by a large influx of Slavic workers from the Soviet Union and has brought about a shift in the ethnic balance, aggravated by Latvians' low birth rate. The large proportion (now about 52 percent) of non-Latvians in the population has increased ethnic frictions and placed the Latvian language and culture in jeopardy. The last few years have seen a marked increase in Latvian nationalist sentiment as more Latvians have become alarmed at the precarious position of their language and culture. Latvians complain that while they must learn Russian, few Russians residing in Latvia bother to learn Latvian. Concern over the fate of the Latvian language led the Latvian Supreme Soviet in 1988 to establish Latvian as the official language.

The marked increased in Latvian nationalist sentiment has increased tensions between Latvians and Russians in the Republic. There have been reports of brawls between Latvian and Russian high school students. Placards carried at some demonstrations have at times had an anti-Russian character.

Women nominally enjoy the same legal rights as men, and an extensive system of day-care service and maternity benefits enables women to obtain and retain employment outside the home. In general, however, women hold less remunerative positions than men do in the same occupations.

Section 6 Worker Rights

a. The Right of Association

Soviet law and practice are enforced in Latvia. There is no right of association as defined by the International Labor Organization. Although the Constitution grants citizens the right to form trade unions, any attempt to exercise this right independently of state-controlled unions is repressed. Workers do not have the right to strike.

b. The Right to Organize and Bargain Collectively

Workers in Latvia may not organize or engage in collective bargaining. There are no economic incentive zones or special industries in which labor standards differ from those elsewhere in Latvia.

c. Prohibition of Forced or Compulsory Labor

Most prisoners are confined to camps where they are forced to labor, often under harsh and degrading conditions.

LATVIA

d. Minimum Age for Employment of Children

The statutory minimum age for employment of children is 16, and the standard workweek is 40 hours. There is no indication of widespread violation of these norms.

e. Acceptable Conditions of Work

Labor conditions in Latvia are similar to those in the Soviet Union. According to the Soviet State Statistical Coommittee, the average monthly wage in the U.S.S.R. for blue- and white-collar workers in mid-1988 was $350 and for collective farm workers was $250 at the official exchange rate. The minimum monthly wage in the U.S.S.R. was $132. (The ruble is not a convertible currency, and its value here in terms of the U.S. dollar does not represent actual purchasing power for international purposes.) Although specific information is not available, average wages in Latvia are believed to be higher than average wages in the U.S.S.R. as a whole.

The average workweek is 40 hours for most white-collar workers and 48 hours for most blue-collar workers. Soviet law establishes minimum conditions of health and safety. Press reports suggest, however, that the laws on maximum hours of work and safety standards are widely ignored.

LITHUANIA

Lithuania, the largest of the three Baltic states, was forcibly annexed by the Soviet Union as a constituent republic of the Union of Soviet Socialist Republics (U.S.S.R.) in 1940 after having enjoyed independence between the two World Wars. The United States does not recognize this forced incorporation of Lithuania into the U.S.S.R.

In general, Lithuania is subjected to the same centralized rule, the same constitution and judicial system, the same restrictions on civil and political liberties, and the same police controls as in the Soviet Union. The policies of "glasnost'" (openness) and "perestroika" (restructuring) adopted by General Secretary Mikhail Gorbachev, however, have enabled Lithuanians to become active proponents of national, civil, and human rights. Under the leadership of new unofficial organizations such as the Lithuanian Movement in Support of Perestroika (Sajudis), Lithuanians pressed the Lithuanian Communist Party leadership to allow the display of national symbols, the open discussion of ecological and economic issues, and publication of articles concerning Lithuania's occupation by the Soviet Union in 1940. The non-Lithuanian segment of the population is now estimated at about 20 percent.

As in the other Baltic states, the standard of living in Lithuania is somewhat higher than the Soviet average. Agricultural and industrial production increased in 1988, but Soviet redistribution policies continued to force Lithuanian living standards down toward lower Soviet levels. A key concern for Lithuanians is air and water pollution and acid rain caused by oil burning power plants, chemical and other industries, trucks and automobiles, and nuclear power plants. The principal concern regarding nuclear power plants, however, is that another Chernobyl-type accident could render the Lithuanian homeland uninhabitable. The environmental movement was active in 1988 in publicizing the problems facing the region.

The human rights situation improved markedly in 1988. Although the authorities violated the human rights of independence advocates and religious and other activists, they usually tolerated public demonstrations of national sentiment and independent political opinion. Promised changes in the various Soviet criminal codes, which is the basis for the authorities' actions against human rights activists, have not yet occurred. Thus, the government apparatus for the repression of dissidents and activists remains intact and could be employed in the event of a change in policy or leadership in Moscow, a possibility which concerns Lithuanian activists.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known cases of political killings.

b. Disappearance

There were no known instances of permanent or prolonged disappearances.

LITHUANIA

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Prisoners are frequently mistreated during interrogation or confinement in labor camps, prisons, or psychiatric hospitals.

d. Arbitrary Arrest, Detention, or Exile

Soviet laws are written and interpreted so broadly that persons may be arrested and convicted for trying to exercise their basic human rights. Persons accused of publishing or distributing underground publications may be sentenced to prison or labor camp, exiled, or be committed to psychiatric hospitals. In 1988, however, there were no known cases of persons being convicted on the basis of the "political" articles in the criminal code. This represents a major step forward in improving the human rights environment.

The number of arbitrary arrests, detentions, and exiles substantially decreased in 1988, in accordance with Soviet Communist Party General Secretary Gorbachev's campaign for more "openness" in and "democratization" of Soviet society. This has resulted in more latitude for Lithuanians to express their views and to criticize their Government. The authorities continued to review the Soviet criminal codes, ostensibly with a view to eliminating some of the "political" articles which have been used as legal justification for arbitrary arrests, but no corrective action had been taken by year's end. According to human rights activists, only a few persons remain imprisoned under Lithuanian criminal statutes.

Several activists were detained during 1988 for organizing demonstrations to commemorate historical events. The authorities detained more than 30 people to prevent their participation in the commemoration of the February 16 anniversary of Lithuanian independence, including Petras Cidzikas, Vytautas Bogusis, Nijole Sadunaite, and Antanas Terneckas. Several of those arrested were also beaten. Several other activists, including Algimantas Andreika, Eugenius Krukovskis, and Antanas Terleckas, were among those arrested for participating in unauthorized demonstrations in Vilnius and Kaunas on May 22, June 14, and June 16.

As 1988 progressed, the situation improved. Persons arrested for participating in a September 28 demonstration were ordered released by the judge, an unusual demonstration of judicial independence in a country where courts are usually expected to rubberstamp actions and accusations by the police and the Committee for State Security (KGB). Moreover, some prominent political prisoners were released in 1988, including Catholic activist Alfonsas Svarinskas, who was pardoned by the Presidium of the U.S.S.R. Supreme Soviet on June 28 and received an exit visa on August 1. Lithuanian human rights activists Gintautus Iesmantas and Father Sigitas Tamkevicius state that former political prisoners Jonas Bagdonas, Arvydas Cekanavicius, Henrikas Klimasauskas, and K. Muzikevicius, were released in 1988.

With regard to forced or compulsory labor, see Section 6.d.

e. Denial of Fair Public Trial

As in the Soviet Union, the Lithuanian Communist Party in political cases often subverts constitutional provisions for the objectivity and independence of the judicial process. In

such cases, the self-determined compelling needs of the State override the rights of a defendant. Some Lithuanian leaders spoke out in 1988 for strengthening the rights of defendants in Soviet trials, but it is as yet unclear whether or how such reforms will be implemented.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through the use of informers, mail censorship, electronic monitoring of telephones, and other devices, government authorities have the ability, widely exercised, to interfere in every aspect of personal life. Constitutional provisions to the contrary, Soviet investigative agencies do not abstain from forced entry and illegal searches. Surveillance of persons suspected of nationalist activity continues to be pervasive. Interference with mail and telephone communications appeared to diminish during 1988, although telephone service to some activists has been interfered with, particularly during national holidays.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties as long as their exercise accords with the strengthening and security of the "Socialist" system. In practice, the authorities interpret these constitutional guarantees to fit the convenience of the State. While General Secretary Gorbachev's glasnost' campaign has expanded considerably the ability of persons to criticize past Soviet leaders and policies, the authorities continue to be sensitive to any criticism of the present leadership.

The ability of private citizens to express opinions at variance with the party line has nonetheless been greatly expanded, and such previously banned topics as the status of Lithuania as a Soviet republic can now be discussed with some degree of candor. Additionally, a citizen group called the Lithuanian Movement in Support of Perestroika (Sajudis) began openly publishing two journals not under control of the Communist Party. Sajudis and other groups publicly support increased autonomy for Lithuania. Various underground publications continue to appear in Lithuania, but the opinions which they contain are increasingly expressed openly.

b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly is controlled by the authorities who, under a decree of the U.S.S.R. Supreme Soviet of July 28, 1988, retain the right to deny all public gatherings. In practice, however, the authorities have been more permissive than in the past in allowing public demonstrations. The largest nonparty gathering in recent Lithuanian history was the rally organized by the Atgaja Ecological Club and attended by up to 500,000 people in Kaunas to discuss the deteriorating environment in Lithuania. Other gatherings organized by Sajudis took place in Vilnius. On July 9, some 100,000 people gathered to hear the report from Lithuanian delegates to the June 1988 XIX Communist Party Conference. On August 23, as many as 200,000 people gathered in Vingis Park in Vilnius to protest the 1939 signing of the Molotov-Ribbentrop Pact, which led to the annexation of Lithuania by the Soviet Union. Although the authorities have

denounced some of the activities of Sajudis in the press, they did not attempt to break up either of these demonstrations, and Lithuanian Communist Party First Secretary Algirdas Brazauskas addressed the constituent congress of the organization in October.

The right of association is provided for in the Constitution, but the authorities strictly control all associations and organizations. Sajudis's activities were generally tolerated by the authorities. Other groups, such as the Lithuanian Liberty League, which advocates complete independence for Lithuania, have experienced greater harassment from government security organs. For example, the police broke up a demonstration in Vilnius in September by some 10,000 people marking the anniversary of the signing of amendments to the 1939 Molotov-Ribbentrop Pact. The Liberty League nonetheless was allowed to continue functioning openly since its July emergence from 10 years of underground activity. A "rolling" hunger strike by the League in Vilnius on behalf of political prisoners was allowed to proceed, albeit with some opposition and official harrassment. The political prisoners whose release was being demanded by the hunger strikers were: Balys Gajauskas, Petras Grazulis, Gintautus Iesmantas, Voldemaras Karoliunas, Boleslavas Liziunas, Jonas Pakuckas, Viktoras Petkus, and Father Sigitas Tamkevicius. The above prisoners were convicted, for the most part, on charges of anti-Soviet activity, usually for nationalist activity or for attempting to leave the country. By the time the hunger strike ended, all but Liziunas had been released.

For a discussion of the freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Despite constitutional guarantees, religious activists are subject to systematic harassment. Soviet authorities attempt to control all religious activities, with special emphasis on the work of the Lithuanian Catholic Church. Soviet officials reportedly have taken control of church committees and excluded priests from some of these bodies. Because of officially imposed limits on admissions to Kaunas Seminary, Lithuania's only theological seminary, over 100 parishes are said to be without a permanently assigned pastor. The Government also interferes in the administration and admissions process of the seminary. All religious orders are banned.

Pressure on the Catholic Church nonetheless eased during 1988. Several Lithuanian bishops were allowed to visit the Vatican, and Bishop Vincentas Sladkevicius of Kaisiadorys was elevated to the rank of cardinal in May and appointed president of the Episcopal Conference of Lithuania. The Queen of Peace Catholic Church in Klaipeda, which was confiscated by the authorities in the 1960's, is being returned to the Catholic Church. Twenty-seven new priests have been consecrated, the largest number since 1948. In October Lithuanian Communist Party chief Algirdas Brazauskas agreed to return Vilnius Cathedral, which the authorities had converted into an art gallery in 1950, to the Catholic Church. Tens of thousands of Lithuanians celebrated the decision in a march to the cathedral. Brauzaukas also announced that a cathedral which has long served as the Museum of Atheism of the Lithuanian Soviet Socialist Republic would be returned to the Church's control.

LITHUANIA

Believers are no longer routinely harassed to prevent them from attending church services. For the first time in the postwar period, Christmas was celebrated in Lithuania as an officially sanctioned holiday. Christmas eve mass in Vilnius was broadcast on television.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In Lithuania, as in the Soviet Union, the authorities do not respect the right of emigration. Permission to emigrate from Lithuania is subject to tight restrictions and granted arbitrarily. The authorities often harass Lithuanians known to be seeking permission to emigrate by denying them work in their specialty, by excluding them from educational institutions, and by other punitive measures. Nonetheless, the increase in the issuance of exit permits from the Soviet Union during 1988 has resulted in the emigration of an increased number of Lithuanian Jews, and some Lithuanian activists were also able to depart for the West. Others, particularly Lithuanian nationalist activists, have been encouraged to emigrate by the authorities who want to rid themselves of "troublemakers." Some have been threatened with exile to Siberia in order to encourage them to emigrate. On the other hand, those who attempt to emigrate illegally are usually punished. Three people who attempted to cross the frontier into Finland this year, Gintautas and Mechislovas Tarasevicius, and Richardas Andrilauskas, were confined in a mental hospital for 4 months. They were released in mid-September and allowed to return home.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens are not free to change the government leadership or the system of government. The Communist Party continues to hold a monopoly on political power, but the informal group Sajudis, which is said to number over 100,000 members, has exerted some influence over recent party and government decisions. As a result of the efforts of Sajudis, the Lithuanian Supreme Soviet adopted the national flag and anthem of the former independent republic as the state flag and anthem of the Lithuanian Soviet Socialist Republic. The Government also allowed Sajudis representatives, which include non-Communists as well as Communist Party members, to sit in on some policy decisionmaking sessions. In addition, the organization stated its intention to run independent candidates for election to the local, republican, and All-Union soviets (councils), which are due to be held in 1989. Sajudis representatives, nonetheless, were the target of hostile criticism by government officials and of KGB surveillance. Communist party officials, unaccustomed to political activity outside the party, only reluctantly allowed Sajudis to continue to operate, probably because of its mass appeal.

Women do not play a large role in the Lithuanian Communist Party or in political life.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Soviet Government has created an Administration for Humanitarian and Cultural Relations in the U.S.S.R. Foreign

Ministry, which has carried out detailed discussions with foreign representatives of human rights cases in the Soviet Union. As a result of these discussions, additional information has been obtained on a number of Lithuanians who are under detention, and Soviet agreement to release certain prisoners was obtained. The attitude of the Lithuanian Government toward investigation of human rights complaints is basically negative.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination on the basis of race, sex, or other grounds is prohibited in the Constitution. The relative homogeneity of Lithuania's population, its strong sense of national identity, and the binding force of the Lithuanian Catholic Church have helped to preserve many of the country's social and cultural traditions. Nevertheless, the disruptive effects of an antireligious ideology, forced collectivization, and a policy of industrialization have been severe. Lithuanians complain that immigrant (non-Lithuanian) workers get priority for scarce housing while local residents must wait for years to get new apartments.

Women nominally enjoy the same legal rights as men, and an extensive system of day-care service and maternity benefits enables women to obtain and retain employment outside the home. However, women generally hold less remunerative positions than men do in the same occupations.

Section 6 Worker Rights

a. The Right of Association

Soviet labor law and practice are enforced in Lithuania. There is no right of association as defined by the International Labor Organization. Although the Constitution grants citizens the right to form trade unions, any attempt to exercise this right independently of the state-controlled unions is repressed. Given Soviet concern that the ideas of the Polish Solidarity trade union movement might spread, this has been especially true in Lithuania, which has close historical ties to Poland and most of whose population, as in Poland, are members of the Catholic Church.

Workers do not have the right to strike.

b. The Right to Organize and Bargain Collectively

Workers in Lithuania may not organize or resort to collective bargaining. There are no economic incentive zones or special industries in which labor standards differ from those elsewhere in Lithuania.

c. Prohibition of Forced or Compulsory Labor

Most prisoners are confined to camps where they are forced to labor, often under harsh and degrading conditions.

d. Minimum Age for Employment of Children

The statutory minimum for employment of children is 16, and the standard workweek is 40 hours. There is no indication of widespread violation of these norms.

LITHUANIA

e. Acceptable Conditions of Work

Labor conditions in Lithuania are similar to those in the Soviet Union. According to the Soviet State Statistical Committee, the average monthly wage in the U.S.S.R. for blue- and white-collar workers in mid-1988 was $350 and for collective farm workers $250 at the official exchange rate. The minimum monthly wage in the U.S.S.R. was $132. (The ruble is not a convertible currency, and its value here in terms of the U.S. dollar does not represent actual purchasing power for international purposes.) Although specific information is not available, average wages in Lithuania are believed to be higher than average wages in the U.S.S.R. as a whole.

The average workweek is 40 hours for most white-collar workers and 48 hours for most blue-collar workers. Soviet law establishes minimum conditions of health and safety. Press reports suggest, however, that the laws on maximum hours of work and health and safety standards are widely ignored.

LUXEMBOURG

Luxembourg is a constitutional monarchy and parliamentary democracy. The Grand Duke is the Chief of State, but his duties are mostly ceremonial. Real power rests with the 12-member Government, headed by the Prime Minister and responsible to Parliament, which receives its authority through free and fair elections.

The police respect human rights. The country is free from strife, and residents enjoy fair and efficient judicial and penal systems.

Luxembourg is a highly developed, industralized state with a free enterprise economic system and a high standard of living.

Luxembourg continued its commitment to human rights in 1988. There were no allegations of abuse during the year. Individual human rights are ensured by the Constitution and protected in practice, and Luxembourg actively promotes human rights internationally. It continues efforts to treat its relatively large foreign population fairly and to engage labor unions in the industrial decisionmaking process.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political reasons has not taken place.

b. Disappearance

There were no known abductions or hostage-taking cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment, or Punishment

Torture is prohibited by law and does not occur. Prisoners are treated fairly, have free choice of attorneys, are allowed visitors, and are housed in modern facilities. Luxembourg ratified the Council of Europe Convention for the Prevention of Torture on September 6, 1988.

d. Arbitrary Arrest, Detention, or Exile

Due process is provided by law and observed in practice. Luxembourg law is a composite of local practice, legal tradition, and foreign systems--French, Belgian, and German. Any person detained by the authorities must be charged no later than 24 hours after arrest. Preventive detention does not exist, but persons may be incarcerated pending trial, if so ordered by a judge. Exile is not imposed. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Luxembourg's judiciary is independent and free from executive or military interference. Military courts exist, but civilians are not subject to their jurisdiction. The right of defendants to have legal counsel, at public expense if necessary, is assured. Charges are formally and clearly

stated. Defendants have the right to be present at trial, and they are presumed innocent until proven guilty. Verdicts may be appealed by either the defendant or the State. An appeal results in a completely new judicial hearing, and sentences can be increased as well as decreased. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Luxembourg law and customs are based on regard for personal freedom. The State, political organizations, and other organized entities do not arbitrarily intrude into the private lives of Luxembourg residents. Police must have a warrant, issued by the judiciary, to enter a private home. Statutes prohibit other violations of the home such as demolition, the sealing of doors and windows, and electronic surveillance.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and it is respected in practice. Except for restrictions on pornography, there is no censorship of the media. The broadcast industry is privately owned, except 4 percent which is indirectly controlled by the French Government. The industry operates independently from the Luxembourg Government. The print media are privately owned and controlled. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is assured constitutionally and respected in practice. There are no limitations on orderly public meetings. All groups enjoy the right of free assembly. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion in Luxembourg, and one may freely practice the religion of one's choice. Statistically, Luxembourg is about 90 percent Roman Catholic. This faith is deeply intertwined with the conservative culture of the country; for example, there is no government funding for abortions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within the country (including changing residence or workplace), foreign travel, or emigration and repatriation. Refugees are treated fairly, and they are not forced to return to countries in which they fear they would be persecuted. There are no forced resettlements.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Luxembourg's Government is democratically elected. All Luxembourg citizens 18 years of age and older may participate in national elections, held every 5 years, and in local elections, held every 6 years. Voting is by secret ballot

with multiple candidates for most positions. Luxembourg's large foreign population (26 percent) does not have the right to vote, but it may exert considerable influence on the political process indirectly by joining labor unions or other organizations. Opposition groups, including political parties, function openly and freely, without fear of government repression. Women participate actively in Luxembourg's political process. Although there are no women in the current Government, the leader of the parliamentary opposition and the Mayor of Luxembourg City are both women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no requests for the investigation of human rights abuses. Luxembourg has consistently supported international and nongovernmental investigation of alleged human rights violations. The Red Cross, Amnesty International, and the U.N. High Commissioner for Refugees have representatives in Luxembourg.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination based on the above factors is prohibited by law. Adequate food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

About 27 percent of working age women are in the paid labor force. This is about one-third of all paid workers; however, few women in Luxembourg are senior executives. Equal pay for equal work is mandated by law. Women and men enjoy the same property rights. Property acquired during a marriage is divided equally upon dissolution of the marriage, unless a prenuptial agreement exists which stipulates how property is to be divided. Family members are protected by law. Several women's rights groups are active in Luxembourg.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely, to choose their own representatives, publicize views, and determine their programs. The two largest industrial unions are linked to, but organized independently from, Luxembourg's Socialist Party and Christian Social Party respectively. A large percentage of the work force is unionized, but membership is not mandatory. Workers have the right to strike, although strikes are rare. Unions are free from government interference and maintain unrestricted contact with international bodies in their fields.

b. The Right to Organize and Bargain Collectively

The Constitution ensures freedom of union activity and protects union leaders and members from discrimination. Unions have the right to organize and bargain collectively on behalf of their members, and this right is applied uniformly throughout the country. Worker representatives are required in all businesses of 15 or more employees. In businesses with over 150 employees, 50 percent of the joint works councils are elected by the employees. In businesses with more than 1,000

employees, one-third of the membership of the boards of directors must be employees or their elected representatives. An effective system exists to hear and adjudicate employment-related complaints.

c. Prohibition of Forced or Compulsory Labor.

Forced or compulsory labor does not exist.

d. Minimum Age for Employment of Children

The employment of children under the age of 15 is prohibited. Child labor laws are strictly enforced. Adolescent workers (ages 15 to 17) are provided special protection by law, such as limiting overtime and specifying the number of hours which may be worked continuously.

e. Acceptable Conditions of Work

Luxembourg's health and safety standards are among the highest in the world. A safe working environment is mandated by law and enforced through a stringent inspection system, which can impose severe penalties. Pregnant women who work receive special consideration in the workplace. The normal workweek is 40 hours, spread over 5 days. Premium pay is required for work outside the normal workweek. Work on Sunday is generally prohibited, except in certain circumstances such as continuous process industries (steel and chemical), and for certain workers such as maintenance and security personnel. All workers receive a minimum of 5 weeks of paid vacation a year, in addition to paid holidays. The minimum wage is $4.35 per hour for all workers 18 years of age and older. Younger workers are subject to a lower minimum wage. This is $2.60 per hour for workers 15 years old. The minimum wage increases annually until the worker is 18. A supplement is added for workers with dependents.

MALTA

Malta is a constitutional republic with a parliamentary government elected by universal suffrage. Executive power is vested in the President who appoints as Prime Minister the leader of the party which gains a plurality of seats in the quinquennial election for the unicameral legislature. The most recent election, on May 9, 1987, brought the Nationalist Party to power with a one-seat majority in Parliament following 16 years of Labor Party rule; the transition of government generally was orderly.

Law enforcement and internal security are the responsibility of the Malta police. Since April 4, 1988, a civilian commissioner again commands the police, succeeding the armed forces commander who was assigned as acting commissioner in the wake of the June 1987 riot and unsettled conditions within the police after the May 1987 election. The Deputy Prime Minister, who is also Minister of Justice, has jurisdiction over the police.

The Maltese economy is a mix of state-controlled and private firms. Malta is heavily dependent on its ability to export and on tourism. Foreign private investment in export-oriented, light manufacturing industries is being actively promoted, and the Government is also developing Malta as a center for offshore business activities.

In the human rights area, the Constitutional Court on September 26, acting on appeal, annulled a law passed by Parliament--a precedent-setting decision establishing judicial review. The law was overturned on human rights grounds, namely, the right of a defendant to the counsel of his choice, including counsels who are also members of Parliament. A parliamentary select committee released a preliminary report on constitutional reform, including measures to safeguard the independence of the judiciary; that report continues to be studied.

In the area of law enforcement, a police academy was opened on July 12, the purpose of which is to provide professional training, including a course on human rights and law enforcement. Following release of a report by a board of inquiry (appointed by the previous Labor Party government in 1986) concerning the degrading treatment of prisoners, the prison director in June was dismissed, and steps were instituted to reform prison procedures. On March 7, Malta ratified the Council of Europe Convention on the Prevention of Torture and the eighth protocol to the European Convention on Human Rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No known incidents of political killing occurred.

b. Disappearance

No cases of disappearance are known to have occurred.

MALTA

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In response to an opposition member's allegations in Parliament that prisoners were maltreated, the then Labor Party Prime Minister on March 25, 1986 appointed a board of inquiry. The board, headed by a distinguished jurist, concluded that beatings had occurred, that 15 prisoners had been kept in solitary confinement for periods ranging from 2 to 4 weeks, and that prisoners had been deprived of clothing, sanitary facilities, and personal articles overnight. On June 7, 1988, the Deputy Prime Minister and Minister of Justice recommended to the Public Service Commission that the Director of Prisons and the Chief Prison Officer be relieved of their positions. The two were dismissed, and steps were instituted to review prison procedures and to ensure that the Constitution's prohibition against inhuman or degrading punishment is respected.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and detention is provided for in the Constitution and generally respected in practice. Police officers above the rank of inspector may issue arrest warrants without court order. The police may, on suspicion, arrest a person for questioning. Persons so detained are not entitled to legal counsel. Within 48 hours, persons so arrested must be brought before the court and charged or released. Persons incarcerated pending trial have access to counsel, and periodic hearings are mandatory.

There are no known cases of incommunicado detention or political exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution requires a fair public trial before an impartial court. In 1988 the bipartisan parliamentary Select Committee on Constitutional Reform, chaired by the Deputy Prime Minister, presented its recommendations, including steps to strengthen both the independence and peer review of the judiciary. Those recommendations are being reviewed by political parties and the public before further parliamentary consideration.

Trials in Malta are public. Defendants have the right to counsel of their choice, at public expense if necessary. They enjoy a presumption of innocence, may confront witnesses and present evidence, and have the right of appeal. The courts' jurisdiction is limited in certain areas. Lay tribunals (e.g., the Industrial Tribunal, the Commissioners for Justice, and the Inheritance Partition Tribunal) have exclusive authority over certain judicial functions, although their independence is not legally guaranteed. Defendants in cases before the Industrial Tribunal or the Public Service Commission may not be represented by lawyers.

On September 26, the Constitutional Court, acting on appeal, ruled unconstitutional a law enacted in 1977 which prohibited Members of Parliament who are attorneys from acting as counsel in judicial cases against the Government. This ruling ensures the defendant's right to counsel of his choice as provided by the European Convention on Human Rights, to which Malta is a party. The ruling also established the precedent in Malta of

judicial review; it was the first time the Constitutional Court had annulled a law passed by Parliament. This is doubly significant because the court decided the case on human rights grounds.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Protection of the privacy of the home is ensured in the Constitution and generally respected in practice. There have been a few unsubstantiated charges of telephone tapping by the Government. These charges have been denied.

Political party membership and participation is voluntary. However, because Malta is a small, insular society with deeply polarized politics, there is subtle societal (family, employment) pressure for affiliation with particular parties.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of expression (speech and press) is protected by the Constitution and generally respected in practice. The only exception is the 1987 constitutional amendment which bans foreign participation in local politics (e.g., guest foreign speakers sponsored by a political party) during the period prior to an election.

The broadcast media (television and radio) are state owned. During 1988 opposition viewpoints received prominent, frequently extensive coverage on a par with coverage provided to the Government, irrespective of news value, although both majority and opposition political parties complained of bias in news coverage. A constitutionally mandated broadcasting authority exists to ensure impartiality in broadcasting. The parliamentary select committee's report addressed ways to strengthen the broadcasting authority.

The Maltese press is very lively; several newspapers are associated with political parties. The editor of the newspaper associated with the majority party was disciplined for publishing the parliamentary Select Committee on Constitutional Reform's report without official permission.

Academic freedom generally is respected. A new education law, enacted in August, accorded professional status to teachers and provided greater autonomy to the university.

b. Freedom of Peaceful Assembly and Association

The right of peaceful assembly is ensured in the Constitution. In 1988 police permits were routinely issued for political meetings and other public activities of political parties or groups of citizens. The right of peaceful assembly was exercised in practice during the June 25-29, 1988, visit of HMS Ark Royal. The opposition Labor Party staged massive demonstrations against the visit. Although occasionally sorely tested, the police reacted professionally and permitted the protests to proceed.

On August 16, a Maltese court ruled that in a case involving the right of peaceful assembly, justice delayed is justice denied. The case concerned the denial in 1978 of a police permit to a student organization which petitioned to hold a

silent protest march against the Government. The case had been continued repeatedly since 1978 with no decision. The student organization claimed inordinate delay and on July 22 applied for constitutional redress. The court ruled in favor of the students--unreasonable delay in deciding the case constituted a violation of the students' human rights as provided for in the European Convention on Human Rights and Malta's Constitution.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The right to practice the religion of one's choice is protected constitutionally and is respected. The overwhelmingly dominant religion is Roman Catholicism, although there are small numbers of people who practice other religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within the country, foreign travel, or immigration. Maltese who acquire the citizenship of another country may, under certain circumstances, lose their Maltese nationality. Maltese emigrants who return to Malta are not automatically entitled to regain their Maltese citizenship but must apply to the office of the Prime Minister; in most cases such applications are acted upon favorably. They must, however, renounce their other nationality.

As of August 9, returning Maltese emigrants have the same rights as Maltese resident citizens to register for work (a right which in May 1987 had been rescinded for returning emigrants). In September the Government announced its intention to seek a constitutional amendment recognizing dual citizenship for Maltese emigrants.

Foreign nationals claiming refugee status while visiting Malta generally are not permitted to remain in Malta. The December 1987 agreement naming the Emigrants' Commission as the local representative of the United Nations High Commissioner for Refugees has worked well in providing assistance and counseling for intending refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Malta is a parliamentary democracy in which two political parties, the Nationalist Party (in power) and the Malta Labor Party (in opposition), dominate Maltese public life. Political activity is often intense, and partisan feelings can be very pronounced, heated, and polarized. Elections with universal suffrage, in which all parties participate freely, are held every 5 years. During the most recent election on May 9, 1987, 96.11 percent of those registered actually voted.

The bipartisan parliamentary Select Committee's preliminary report containing proposals to strengthen the democratic system in Malta, including strengthening the role of the president, was provided to the two parties' parliamentary groups in camera in early 1988 for comment, and became public by late spring. The Nationalist Party developed its

own set of proposals. No further work or debate took place regarding the Select Committee's report in 1988.

While the leadership of Maltese political parties is dominated by men, women do participate in party affairs, primarily through women's movements. Two Members of Parliament are women (one Nationalist and one Labor). The General Secretary of the opposition Labor Party is a woman, as is a former president of the Republic. There are no women among current government ministers and parliamentary secretaries.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government places no restrictions on investigations by international human rights groups. On March 7, Malta became the second country to ratify the Council of Europe Convention on the Prevention of Torture. The Convention, which will enter into force with seven ratifications, provides for the establishment of an international committee empowered to visit all places where persons are deprived of liberty by a public authority.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Maltese citizens have a de jure right to housing, employment, and education on a nondiscriminatory basis. However, for many years political party affiliation and extended family ties have constituted strong societal pressure in employment, the provision of public services, and granting of import licenses. A commission to investigate allegations of injustices, discrimination, or unfair treatment exists.

For reasons derived from tradition and culture, Maltese society does not generally associate women's rights with human rights. There are laws on equal opportunity and equal pay for equal work, but discrimination occurs. Job advertisements may specify whether the positions are for men or women. Women in the professions tend to earn less than their male counterparts, and women in the manufacturing sector are heavily concentrated in the garment industry. While women constitute slightly more than half of Malta's population (174,138 females and 169,196 males in July 1988), they are less than one-quarter of Malta's labor force.

Married women are subject to legal discrimination in that they lose entitlements and seniority personally acquired (retirement, health benefits, social security) upon marriage. Legally, the husband is head of the family unit with dominant responsibility for economic and financial questions, as well as all major decisions concerning children. Married women can own businesses, checking accounts, etc. only with the consent of their husbands. They must be represented by their husbands in business or financial litigations.

Section 6 Worker Rights

a. The Right of Association

Workers have the right, respected in practice, to associate freely and to strike. As of June 30, 1987, there were 21 trade unions registered in Malta. In 1988 the General Workers Union (Malta's largest union) had 34,791 active worker

members. The next largest union, the Union Haddiema Maghqudin, had 20,173 members. The General Workers Union (GWU), which celebrated its 45th anniversary in 1988, has since 1978 been statutorily merged with the Malta Labor Party in the "workers' movement." The other labor unions are independent of political parties. The current Government encourages the development of free trade unions without party affiliation. Maltese unions belong to a variety of international trade union groupings and their representatives actively participate in the work of the International Labor Organization.

In 1988 few strikes occurred in Malta. The major union action, an attempt to blockade Grand Harbor during the visit of the British aircraft carrier HMS Ark Royal, was politically motivated. The leadership of the GWU and the Labor Party claimed responsibility. Similarly, GWU members from the dockyards had a confrontation with police at a local bank, where some clerical workers were briefly on strike, and destroyed some private property.

b. The Right to Organize and Bargain Collectively

Workers are free, in law and in practice, to organize and bargain collectively. Voluntary worker-employer negotiations and collective bargaining have been encouraged by the current Government since the lifting of the wage and price freeze in 1987. Labor legislation and practice is uniform throughout Malta.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Malta; it is constitutionally prohibited.

c. Minimum Age for Employment of Children

Children younger than 16 years may not legally be employed. This injunction is generally respected and enforced.

e. Acceptable Conditions of Work

The legal minimum wage in Malta in 1988 was $86.65 per week. The minimum wage is generally enforced. Given government subsidies in housing, health care, and free education, the minimum wage provides a basic standard of living.

Maximum hours of work are regulated by wage council orders for various trades. For most sectors, the maximum is 40 hours per week, but in some trades the maximum allowable is 43 or 45 hours per week.

In 1988 occupational safety standards and health regulations, especially in the dockyards and construction sectors, were considered to be in need of review, updating, and enforcement. In October the Government expressed its intention, following consultation with the World Health Organization, to establish an occupational health authority.

THE NETHERLANDS

The Netherlands is a constitutional monarchy with a parliamentary legislative system. Executive authority is exercised by a council of ministers representing the governing political parties. A bicameral parliament, in which the full range of the political spectrum is represented, is selected through nationwide proportional voting.

The Dutch have a mixed free market economy with extensive involvement by governmental entities. The Netherlands has a complex social welfare system providing a relatively high level of social benefits.

The Dutch attach great importance to human rights in their foreign and domestic policies. The principal internationally recognized rights are protected by Dutch law and widely respected in practice by both the State and the general public.

In 1988 the Netherlands was criticized by the European Commission on Human Rights for discriminating against women in the payment of social benefits and for excessive reliance on testimony by anonymous informants in a criminal case. The expulsion by the Netherlands of persons found by the Dutch legal process not to be bona fide refugees also has drawn domestic and international criticism. Some Surinamese filed complaints in Dutch courts and with the European Commission on Human Rights, charging that some asylum seekers were not treated individually but lumped together as a group, which would violate a European Convention on Human Rights Protocol against collective deportations. During 1988 Dutch courts ruled consistently that these challenges to expulsions were unfounded (see Section 2.d.).

There are no significant differences in human rights practices between the Netherlands proper and the autonomous regions of the Kingdom: Aruba and the five-island Netherlands Antilles.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives by the Government or domestic political groups did not occur. Three off-duty British soldiers were killed and three others seriously wounded on April 30 in separate but apparently related shooting and bombing incidents in two villages along the Dutch-German border. The Irish Republican Army claimed responsibility for the attacks. In June a prominent Turkish labor leader resident in the Netherlands was found dead in his home. The crime remains unsolved, but police speculated publicly that he was murdered by members of a Dutch-Turkish organized crime syndicate.

b. Disappearance

Abductions, secret arrests, and clandestine detention by police or other official security forces did not occur.

THE NETHERLANDS

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel or inhuman punishment are prohibited by law and do not occur in practice.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is provided for by law and respected in practice. There are no political prisoners in the Netherlands. A right of release from detention exists in practice. Preventive detention is permitted, for a limited time, only when national or municipal authorities declare an emergency. Normally a person may be held no longer than 6 hours unless charges are brought. Persons suspected of committing serious crimes can be held for cause with the agreement of a judge for up to 48 hours before charges are brought or the person is released. This form of incarceration is frequently used in drug smuggling cases. Search and arrest warrants issued by the judiciary are required in most criminal cases.

Forced exile from the Netherlands is unknown. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair public trial is ensured by law and respected in practice. Defendants have the right to counsel, and a system of free or low-cost legal assistance exists for those unable to pay. Charges must be formally stated. The judiciary is independent, with a functioning appeals process and a Supreme Court. In August the European Commission on Human Rights criticized the Netherlands over a case in which conviction of an accused bank robber was based exclusively on testimony by anonymous informants. The Commission considered this a violation of the right to a fair trial as outlined in the European Convention on Human Rights. Dutch justice officials argued that the case represented an "evident exception" to normal practice, which was justifiable under the circumstances. A prominent Dutch professor of criminal law observed, however, that Dutch courts frequently go further in allowing anonymous testimony than do other Western countries. The Commission has submitted the case to the European Court on Human Rights for review.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A judicial warrant is required to enter a person's home or to monitor private correspondence. The State respects individual freedom of choice in family matters.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. A feature of media policy is the allocation of broadcasting time to a wide range of social and political groups, which ensures that minority viewpoints are heard. There are no prepublication restraints on any media, but there exists a broad social understanding which precludes

the mainstream media from disseminating sensitive information involving national security, defense, or the royal family.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are effectively unrestricted. Permits are required from local governmental authorities for large-scale assemblies and for demonstrations of a political nature. Permits are granted on a routine basis but may be denied when authorities believe that "public order and safety" cannot be guaranteed as a result of a rally or demonstration. Neither the formation of organizations nor membership in them is impeded by the Government except in exceptional circumstances.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is full freedom of religion. State subsidies in the educational field are provided to religious organizations which maintain educational facilities. The subsidy is granted on a fixed per student basis to both parochial and nonparochial educational institutions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of domestic and foreign travel, emigration, and repatriation. Due to a shortage of housing, there are some legal restrictions on the transfer of residence to major cities.

The Netherlands provides first asylum for refugees and permanent resettlement for a limited number of persons, principally from Eastern Europe, Indochina, and Iran. The decision by Dutch courts to expel from the Netherlands six Sri Lankan citizens who had been refused refugee status drew the involvement of the United Nations High Commissioner for Refugees (UNHCR) and criticism by human rights activists, who charged that the six--all ethnic Tamils--could not be guaranteed safety upon their return to Sri Lanka.

The Government continues to provide limited financial assistance to persons wishing to return permanently to their country of origin but who lack the means to do so. This program affects a small minority of foreign-born workers--most of whom came to the Netherlands in the early 1970's--who no longer can find employment, and are now receiving unemployment benefits.

In February the Dutch Government decided that the political situation in its former colony of Suriname had stabilized to the point where applications for asylum from about 5,000 persons who had fled from Suriname to the Netherlands could be evaluated. The Government had suspended the processing of Surinamese asylum cases in September 1986, when, in the Dutch view, the human rights situation in Suriname had deteriorated so that it was no longer possible accurately to judge the validity of requests for asylum. The decision to process the Surinamese asylum application backlog was opposed by some members of the Surinamese community, who charged that the situation in Suriname remained too dangerous for the safe return of those who had fled. In July a Dutch court granted a

temporary injunction preventing the Government from deporting to Suriname those persons refused refugee status until the Government clarified its grounds for deciding that conditions in Suriname permitted their safe return. The Government's subsequent analysis satisfied the judge, but at least one of the affected Surinamese took his case to the European Commission on Human Rights on the grounds that the Surinamese are not being given proper, individual treatment by the Dutch Government.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Netherlands is a functioning multiparty democracy. Nationwide elections are held every 4 years, or more frequently in the event of a parliamentary vote of no confidence or if a coalition partner opts out of the government. In the most recent general election in May 1986, the center-right coalition, which had been in power since 1982, was reelected. Provincial elections were held in March 1987. In June 1987, the provincial legislatures elected the Upper House of Parliament on the basis of proportional representation. Ten political parties have seats in Parliament, representing all points of view from the far right to the far left. There is universal suffrage for persons 18 years of age and over. Women are increasingly represented in political life; they presently hold 21.5 percent of the seats in the Lower House of Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is responsive to allegations of human rights violations arising both domestically and internationally. The Dutch consider themselves in the forefront of international efforts to prevent human rights abuses, and Dutch authorities readily assist international and nongovernmental organizations in their investigations. Support for human rights is a key tenet of Dutch foreign policy. The Netherlands is a strong advocate of human rights, both bilaterally and in international forums, including the United Nations and its agencies and the Conference on Security and Cooperation in Europe. The Dutch have repeatedly spoken out against human rights violations in Eastern Europe, Central America, and Southern Africa.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The problem of fully integrating racial and ethnic minorities into national economic and social life remains one of the most difficult domestic issues confronting the Government. Thousands of persons from the former Dutch colony of Suriname, the Netherlands Antilles, and Aruba have come to live in the Netherlands since 1975. In addition, there are significant numbers of foreign workers and their families, mostly from Turkey and Morocco. These groups face some overt private discrimination in housing and employment, as well as practical limits on opportunities for social and economic advancement resulting from inadequate educational levels compared to those of most Dutch citizens. Unemployment among minority groups runs significantly higher than among the population as a whole.

The Government's longstanding policy of combating discrimination is outlined in its 1983 "Minority Note," a

comprehensive plan of action to address the problems of minorities in the fields of health, education, employment, and the law. The National Advisory and Consultation Board on Minority Policy is incorporated by legislation into the administrative structure of the country. It is chaired by the Minister of Internal Affairs and includes representatives of seven ethnic minority groups. A consultative body to the Cabinet on minority issues, it also serves as a conduit to the Government for the expression of minority concerns.

Appeals to administrative tribunals in regard to claims of discrimination by employers and the Government and to housing matters, provide a practical means of redress. In March the Government introduced new antidiscrimination legislation, including provisions on sexual preference; however, the proposal later was judged "redundant" by the highest official advisory body, the Council of State, in view of language in the 1983 Constitution prohibiting discrimination "on the grounds of religion, belief, political opinion, race, sex, or any other grounds whatsoever." It remains to be seen whether further legislation will be pursued in this area.

Women enjoy full legal and political equality. Although the entry of substantial numbers of women into the labor force occurred somewhat later in the Netherlands than in most Western industrialized countries, the rate of female participation in the work force is now on a par with the European Community average. Despite the good overall Dutch record in this area, the Government was cited twice in 1988 for having discriminated against women. The European Court of Justice ruled in March that laws governing unemployment benefits discriminated against married women. In August the European Commission (the executive body of the European Community) ruled that the Government's cuts in part-time workers' compensation under the Dutch disabilities act affected far more women than men and were therefore discriminatory.

Section 6 Worker Rights

a. The Right of Association

The right of workers to associate freely is well established. The active trade union movement includes in its membership approximately 30 percent of the employed labor force. Unions, while entirely free of government and political party control, may and do participate in political life. They are free to maintain relations with recognized international bodies. All union members, except civil servants, have the legal right to strike. The Government plans to introduce legislation during the 1989 session of Parliament which would grant the right to strike to civil servants not involved in "lifesaving" activities.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is well established. Negotiations between the unions and the Government take place both locally and in a fixed central negotiating body called the Labor Foundation. These rights and protections are applied uniformly throughout the country.

THE NETHERLANDS

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor does not exist.

d. Minimum Age for Employment of Children

The minimum age for employment of young people is 16. At 16 years of age, youths may work full time only if they have completed the mandatory 10 years of schooling. Those still in school at age 16 may not work more than 8 hours per week. Laws prohibit youths under the age of 18 from working at night, overtime, or in areas which could be dangerous to their physical or mental development. The Netherlands has a reduced minimum wage for employees under age 23. The purpose of this law is to provide incentives for the employment of young people, one of the groups with the highest rate of unemployment. Full-time workers 16 years and older receive a paid vacation of at least 20 days per year.

e. Acceptable Conditions of Work

Dutch law and practice adequately protect the safety and health of workers. The average workweek for adults is 38 hours. There is minimum wage legislation, and the minimum wage is approximately $6.03 per hour. This minimum wage, together with other benefits which are available to all minimum wage earners, is sufficient to provide a decent living for workers and their families. For unemployed workers, an extensive system of unemployment benefits allows recipients to maintain an adequate standard of living.

NORWAY

Norway is a constitutional monarchy and parliamentary democracy. King Olav V, the titular Head of State, has a mainly symbolic role. Norway is governed by a prime minister, cabinet, and a 157-seat Storting (parliament) that is elected every 4 years and cannot be dissolved.

The police, all security organizations, and the military are scrupulous in their protection of human rights. Moreover, all these groups operate under the control of the Government (including the judicial system and the Storting) which investigates thoroughly any allegations of human rights violations. Also, the Ombudsman has the power to investigate any complaints lodged by citizens against the police, the security forces, or the military.

An advanced industrial state, Norway has a mixed economy combining private, public, and state ownership. Personal freedoms, such as freedom of association and of speech, and the right to pursue private interests and to hold private property, are protected by the Constitution and respected in practice.

Deeply rooted democratic principles, a strong egalitarian tradition, an independent press, and highly developed educational and social welfare systems have made Norway a leading advocate of human rights in the world.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Politically motivated killings have not occurred.

b. Disappearance

Secret arrests and detentions have not occurred.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other cruel, inhuman, or degrading treatment or punishment do not exist in Norway's humane penal system. The maximum sentence is 21 years. The emphasis in Norwegian prisons is on rehabilitation.

d. Arbitrary Arrest, Detention, or Exile

Norwegian law provides for arrest warrants, which are used except in circumstances such as hot pursuit. Persons may be detained for up to 4 hours without being charged. A person charged with a crime has the right, observed in practice, to appear before a judge for arraignment within 24 hours. If charges are formalized at the arraignment, the judge then determines whether the detainee should be kept in custody or released pending trial. A strong case must be made to justify detention. Possible grounds include fear of flight, the needs of the investigation, and fear that a detainee will commit further crimes.

NORWAY

Although a provision for bail exists in Norwegian law, it is rarely used. The accused is either released without bail pending trial or is held in pretrial detention and appears before a judge every 4 weeks for a determination of the necessity of continued detention. There is no legal limit on the time a prisoner may be held before trial. However, lengthy pretrial detention is rare. Preventive detention also exists but is used infrequently, as in temporary detention of rowdy youths by police.

There is no exile. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The right to a fair, public trial is ensured by law and honored in practice. Only in certain cases, including those involving state security or private family matters, are trials closed. In criminal cases, Norwegian citizens and aliens are entitled to free counsel of their choice, regardless of their income.

In certain civil cases, indigent persons are guaranteed free counsel. Charges are stated formally and clearly. Except for the Labor Court, which mediates industrial relations disputes, the civil court is Norway's only judicial system and thus tries military and security cases as well. The judiciary is independent of both the legislative and the executive branches of the Government, as well as of the military.

In recent years, the legality of imprisoning those refusing both military service and alternative civilian service has become a public issue. Persons refusing both kinds of service have been held in prison for up to 16 months (a period equivalent to military service) without a trial. Detention is based on an administrative decision and not on a trial. Persons detained in this manner are considered soldiers who have refused duty and thus receive salary and benefits normally accorded to military recruits during this period of confinement.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the family and the person is free from arbitrary interference by the Government. Police may conduct searches of the home only with court approval and in instances of hot pursuit or when they fear evidence is being destroyed. There were no allegations of forced official entry into Norwegian homes in 1988. In most cases, wiretaps are prohibited by law, but they may be used in cases involving state security or narcotics offenses, when officially approved by the court within carefully drawn and monitored legal guidelines. Correspondence may be opened only with authorization of the court in cases involving state security.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press, and these freedoms are respected in practice. In addition to restrictions on slander and libel, Norwegian law forbids racist or sexist remarks in print or public speech. No one may publish information concerning national defense which could prove damaging to Norwegian security.

NORWAY

Norway has an active and diversified press, sustained in part by government subsidies. Television and radio have long been operated by one state-owned broadcasting company, but the Government does not exercise direct editorial control. In recent years, an experimental program for local, low-power radio stations has been expanded throughout the country, and licenses have been granted to private groups to operate local cable television stations.

Certain restrictions apply to the showing of films. The Government Film Control Board has the authority to censor or ban any film deemed overly violent, pornographic, or blasphemous. There is no evidence that any films have been censored because of political content.

b. Freedom of Peaceful Assembly and Association

Norwegians exercise these freedoms without restraint. Public demonstrations require advance permission, which is usually given routinely.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The state church is the Evangelical Lutheran Church of Norway, which is financially supported by the State and to which 93 percent of the population belongs. There is a constitutional requirement that the King and half of the Cabinet belong to the state church. In addition, the Workers' Protection and Working Environment Act permits prospective employers to ask job applicants in certain categories of work, such as positions which can influence child development, whether they respect Christian beliefs and principles.

Approximately 4 percent of the population are registered members of 20 other denominations which operate freely and may proselytize. No religious community is required to register with the Government unless it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership. Although the state religion is taught in all public schools, children of other faiths are allowed to be absent from such classes upon parental request. If there are enough students of the same faith, the school will arrange religion classes in that faith. Workers belonging to minority denominations are allowed leave for religious holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not impede foreign or domestic travel, and Norwegians have full freedom of movement inside or outside Norway. The right to voluntary repatriation is guaranteed.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Norway is a multiparty democracy ruled by an elected government. Six parties are represented in the Storting; distribution of seats is based upon proportional representation by district. The Storting may reject or modify government proposals; if a government loses a vote on a major issue of confidence, it resigns, and a new government is formed. The

minimum voting age is 18, and voter turnout in the 1985 parliamentary elections was almost 84 percent. Foreigners who have resided in Norway for at least 3 years, and are otherwise eligible, have the right to vote in local elections only.

While the Sami (Lapps) are the only significant minority (0.5 percent) with long residence in Norway, the influx of refugees and guest workers has produced other minorities. Neither the Sami nor any other ethnic minority is represented at present in the Storting. Women hold approximately 35 percent of Storting seats and 44 percent of cabinet positions, and the Prime Minister is a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Norway cooperates with nongovernmental investigations of alleged violations of human rights. In recent years, Norway has cooperated with both the European Human Rights Commission and the United Nations High Commissioner for Refugees. Norway is itself an active participant in international human rights organizations.

Within Norway, the Office of the Ombudsman provides a direct route for individual complaints against government agencies. A number of organizations monitor alleged human rights abuses either inside or, more often, outside the country. They include the Equal Rights Council (concerned with women's rights), the Immigrant Council, the Oslo Peace Research Institute, and the Norwegian Human Rights Institute. An Advisory Council, composed of government officials, legal experts, and representatives from nongovernmental organizations, monitors human rights practices internationally.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Through a highly developed social welfare system that reflects a long tradition of egalitarianism, the Government provides for the health, education, retirement, and other needs of its people regardless of race, religion, sex, ethnic background, or political opinion.

Apart from an extremely small Finnish population in the northeastern corner of the country, the Sami (Lapp) people were Norway's only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect the cultural rights of the Sami by providing Sami-language instruction at schools in Sami-inhabited areas, radio and television programs broadcast or subtitled in the Sami language, and subsidies for the publication of newspapers and books oriented toward the Sami.

There is a continuing political debate on whether current restrictions on non-Nordic immigration, in effect since 1975, are racially motivated and whether immigrant minority groups such as Pakistanis, Vietnamese, Turks, and Africans are treated equally by Norwegian authorities. The Government provides legal protection for the rights of all minorities and has taken active measures to help these groups adjust to Norwegian society, including free Norwegian-language instruction for any foreign resident.

NORWAY

In recent years, Norway has experienced a dramatic increase in the number of persons seeking political asylum. As a result, the Government proposed a new bill in 1988 that would no longer allow asylum applicants who are not bona fide refugees to remain on humanitarian grounds. The bill would also, however, introduce new measures designed to further safeguard the rights of those asylum seekers allowed to remain in Norway. With the rise in the number of asylum seekers, refugee policy has become a significant political issue; one political party and numerous candidates campaigned in the 1987 local elections for a reduction, or even cessation, in the flow of refugees to Norway. At the same time, some human rights groups urged the Government to accept more refugees and expressed concern over the adequacy of the treatment given those seeking political asylum in Norway. Although there have been problems in managing individual refugee cases, Norway has a well-organized system which includes advance planning, careful dispersion of refugees throughout Norway, and generous welfare, educational, and vocational training programs.

Women form over 40 percent of the work force and are protected under the Equal Rights Law of 1978 and other regulations. Under that law, "women and men engaged in the same activity shall have equal wages for work of equal value." A state Equal Rights Council monitors enforcement of the 1978 law, and an Equal Rights Ombudsman processes complaints of sexual discrimination. The Government provides liberal maternity leave and time off for either parent to care for their children.

Section 6 Worker Rights

a. The Rignt of Association

Workers have the right to associate freely and to strike. The Government, however, has the right to invoke compulsory arbitration under certain circumstances, with the approval of the Storting.

With membership totaling about 60 percent of the work force, unions play an important role in Norway's political and economic life and are consulted by the Government on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions are free of party and government control. They maintain strong ties with international bodies, such as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

All workers, including government employees and military personnel, have the right to organize and bargain collectively. Labor legislation and practice is uniform throughout Norway.

c. Prohibition of Forced or Compulsory Labor

There is no compulsory labor in Norway.

d. Minimum Age of Employment of Children

Children are not permitted to work full time before the age of 15. Minimum age rules are observed in practice.

NORWAY

e. Acceptable Conditions of Work

Ordinary working hours do not exceed 37.5 hours per week, and 25 working days of paid leave are granted per year (31 for those over 60). All workers are assured an adequate minimum wage, with standards set by the Government within each industry.

Under the Workers' Protection and Working Environment Act of 1977, all employed persons are assured safe and physically acceptable working conditions. According to the act, working environment committees, composed of management, workers, and health personnel, must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. The Directorate of Labor Inspections ensures effective compliance with labor legislation.

POLAND

Poland is ruled by the leadership of the Polish United Workers' (Communist) Party (PZPR), headed by General Wojciech Jaruzelski. Jaruzelski is also the Supreme Commander of the Armed Forces in his capacity as Chairman of the National Defense Committee, as well as the Chairman of the Council of State. Following the resignation of Zbigniew Messner on September 19, Mieczyslaw Rakowski, a former journalist and member of the Politburo, was designated Chairman of the Council of Ministers on September 27.

The Ministry of Internal Affairs supervises the uniformed police, the powerful security apparatus, and the militarized riot police. The security service and the judiciary retain immense powers to deal with political opposition. These were exercised with decreasing frequency in 1988.

The Polish authorities have made internal economic reform and market stabilization a priority but found it difficult to achieve tangible results in 1988. The so-called second stage of economic reform, launched in October 1987, was designed to reduce bureaucratic control over the economy, encourage initiative both within the state and private sectors, and increase reliance on market mechanisms. However, the Government maintains a number of direct controls, and much of the reform has yet to take hold. A new set of economic reforms introduced toward the end of 1988 provided for greater latitude for the private sector. The focal points for private economic activity are small private farms, which form 75 percent of total agricultural land, and the growing small-business sector, which accounts for approximately 8 percent of the nonagricultural economy. Meanwhile, inefficiency, shortages, worker discontent, and a heavy debt-servicing burden continue to plague the economy. The Government's loose credit policy, failure to restrain income growth, and attempt to adjust prices for food and energy have again sent the rate of inflation up to at least 70 percent. On two occasions during 1988, price and income issues were at the center of labor unrest and strikes.

As a result of a wave of strikes in August, the Government began a high-level dialog with Lech Walesa, the leader of the independent trade union Solidarity, and other key opposition figures. This dialog, including several sets of direct talks and an uncensored, live television debate between Walesa and the head of the official trade unions, Alfred Miodowicz, created the basis for possible "roundtable" negotiations between the authorities and the opposition to consider political and economic change in Poland. At the end of the year, however, the "roundtable" had not been held.

The exercise of human rights remains restricted. The right of workers to be represented by a trade union of their choice is still denied. The right to freedom from arbitrary detention, the right to a fair trial, and the right of citizens to choose their own government remain limited. Nevertheless, freedom of speech has continued to grow unevenly, opposition views are increasingly read in the official press despite censorship, and Poles have access to a wide range of independent (including Catholic Church) publications. In late 1988, the Solidarity leadership and other opposition elements were able to meet openly without harassment. A number of independent associations, some with declared opposition leanings, were legalized during 1988. Poles worship freely and, with

exceptions, travel freely. Lech Walesa and other Solidarity leaders were allowed to travel to the West for the first time since martial law was declared in 1981.

There are no political prisoners in Poland at this time, according to both government and opposition sources. With the introduction in 1988 of the possibility of alternative service (there is mandatory military service in Poland) and the alteration of the Polish military oath, all those in jail for refusing military service were released.

Under a 1986 law which allows certain political offenses to be treated as misdemeanors, opposition activists in 1988 were still being fined, and sometimes detained for short periods of time, for their activities. These activists frequently did not pay their fines and usually did not incur further penalties as a result. The strikes of May and August resulted in many strikers losing their jobs and apartments. Some were drafted into the military. Some of those fired or drafted were not rehired, despite the Government's insistence that employers were encouraged to rehire them. Most, though not all, of those drafted into the military were released.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No instances of political killing were reported.

b. Disappearance

Instances of prolonged or permanent disappearance were not reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were numerous reported instances of police beating people with rubber truncheons in melees following demonstrations and, in some cases, after persons had been taken into custody. Many persons active in the opposition or taking part in strikes or demonstrations reported that, while detained by the police, usually for periods ranging from several hours to 2 days, they were subjected to mistreatment ranging from verbal abuse to blows with truncheons. There were no reported allegations of torture during 1988.

d. Arbitrary Arrest, Detention, or Exile

Polish law allows for a 48-hour detention period before the authorities are required to bring formal charges. Legislation which provided for certain offenses to be tried within 48 hours of arrest under special, accelerated procedures expired on July 1 and was not renewed. In Polish practice, after presentation of the legal basis of formal investigation, arrestees may be held in indefinite "investigatory" or "temporary" arrest until the investigation is completed and an indictment filed. During this period, there is no guarantee of access to a lawyer, and visits are frequently denied. Once a formal indictment is filed, the defendant is allowed ample time to study the charges in consultation with an attorney of his or her choice. A trial date is set only after the

defendant expresses readiness. Legal provisions for bail are rarely used, but suspects, as well as those already convicted, are sometimes furloughed for humanitarian reasons.

After the 1986 amnesty, fewer persons were detained for long periods on vague or unspecified grounds. However, the number of brief detentions, usually up to 48 hours, remains high. The 48-hour detention period is often used as a preventative or deterrent measure against prominent opposition activists. For example, several Warsaw-based Solidarity trade union leaders were detained in a successful effort by the police to prevent them from organizing sympathy strikes in the Warsaw area during the August strike wave. The legal, 48-hour detention period is sometimes effectively extended by the police into periods of 96 hours or longer, often by "releasing" a person for an hour and then re-detaining that person for a second 48-hour period. Polish authorities continue to make use of "warning talks," in which they summon known opposition members on the eve of major anniversaries or other events that are likely to be rallying points for antigovernment displays and reportedly threaten them with reprisals if they participate in any form of demonstration.

Polish law contains no provision for forced exile. However, some labor and political activists expressed fears that they would be refused reentry if they were to travel abroad, particularly to the West. Several prominent activists traveled abroad this year, including Solidarity leader Lech Walesa. One dissident, Kornel Morawiecki, leader of Fighting Solidarity (not affiliated with the Solidarity trade union), was turned back at the Warsaw airport when he sought to reenter the country a few days after he had been allowed to depart for medical treatment. This decision was reversed quickly thereafter, although criminal charges against him remain outstanding.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Most cases in Poland are tried in open court. However, the court having jurisdiction over a case retains the option of closing a trial to the public in some circumstances, for example, when state secrets may be disclosed and in most divorce cases. Defendants are required to be present during trial and may be represented by up to three attorneys. Attorneys are provided at public expense if a defendant is unable to pay. Defendants may present evidence in their own defense and are presumed to be innocent until proven guilty. The court of original jurisdiction has 7 days in which to prepare a written decision from the date of the oral decision. The defendant has 14 days from the date of the written decision in which to appeal. Appeals may be made, among other grounds, on the basis of new evidence, procedural irregularities, or a perceived offense against the law. A law enacted in May 1985, providing for specially accelerated trial procedures which severely limited the rights of defendants, expired on July 1 and was not renewed.

In October 1986, the Sejm (parliament) passed legislation that allows certain crimes against public order (political offenses) to be treated as misdemeanors subject to a maximum penalty of about $100 at the exchange rate of late 1988. This legislation gives the authorities the option of handling certain crimes either as felonies or as misdemeanors, depending on the

perceived seriousness of the offense. In the latter case, the accused often does not have the benefit of a defense counsel. This law, utilized extensively during late 1986 and 1987, was decreasingly used during 1988. For example, although 15 automobiles were reported confiscated under the provisions of this law in 1986 and 1987, none was reported confiscated during 1988. One opposition group reported that its members, although frequently convicted and ordered to pay fines under the provisions of this law, seldom pay their fines (partly out of principle and partly out of necessity), and to date none has been required to serve a prison sentence in lieu of payment, as required by the law.

For the first time since martial law, according to both the Government and the opposition, Poland has no political prisoners. A very small number of persons are serving sentences on criminal charges which many consider to be spurious and politically motivated. Adam Hodysz, a former police captain who had been convicted on criminal charges which some believe to have been politically motivated, was released from prison at the end of 1988. Since the 1986 amnesty, some members of the opposition were sentenced to jail terms and served just a week or two of their short sentences.

All persons imprisoned on charges stemming from their refusal to serve in the military or take the military oath of allegiance were released in July, following the passage of a law which authorized alternative service. The wording of the military oath had been changed earlier. At year's end two persons were taken into custody and reportedly face charges connected with their earlier refusals to perform either military or alternative service.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Mail and telephone calls are selectively monitored. Overt censorship of the mail and announced monitoring of telephone calls ceased with the suspension of martial law in 1983. Packages to be mailed abroad are subject to inspection by postal workers. It is generally assumed that the secret police use an extensive network of informers.

Polish citizens are not forced to participate in any political organizations, although it is understood that membership in the PZPR is advisable for advancement in certain professions. Active affiliation with the regime may provide privileged access to some items in very short supply, e.g., housing. The Government does not interfere with the right to marry or to have children as one chooses, nor does it prevent the teaching of religion to children at home or in churches. In certain cases, the Government may view as suspect the contact of its citizens with members of the opposition or with foreigners. Although warrants are required under Polish law in some circumstances, searches without warrants do occur in violation of the law.

The Government officially announced and implemented the cessation of all jamming of Western radio broadcasts in January. Access to foreign periodicals is limited, more the result of a lack of available hard currency than of active government censorship.

POLAND

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Polish Constitution of 1952 provides for freedom of speech. The freedom to express one's opinion in a private conversation, whether or not in a public place, is generally tolerated. The freedom to distribute opposition pamphlets or deliver an antigovernment speech in a public place is sometimes, but not always, impeded. However, the limits to public expression are clearly becoming wider. An apt illustration was the human rights conference sponsored by Solidarity and the Freedom and Peace movement in August and attended by 800 people from Eastern Europe and the West. Government interference with the conference was minimal. Some Westerners were denied visas, but most of those who applied and persisted were granted visas, although many at the last minute. There was no attempt made to restrict debate during the 4-day conference, which was held in a Catholic church, and opposition publications were openly distributed and sold.

Many churches sponsor or permit alternative cultural and other activities on their premises which are free from government interference. Such events also take place in private homes. Several Catholic congregations in Warsaw, Gdansk, Krakow, and elsewhere openly sponsor programs sympathetic to the opposition with little direct reprisal.

The Main Office for the Control of Press, Publishing, and Public Performances oversees censorship of all media and deletes material which it considers inimical to state interests. Polish citizens may be arrested and fined for writing, printing, distributing, or possessing publications not approved by the authorities. However, in 1988 censors permitted a very wide range of opinion to be printed and broadcast on previously forbidden topics. Even in the areas where censorship is traditionally the most rigid--in rooting out direct or implied criticism of the Soviet Union or other Warsaw Pact states--the cracks which began to appear in 1987 on such topics as the Katyn Forest massacre of Polish Army officers by the Red Army and the Soviet invasion of Poland in 1939 widened in 1988.

Within the framework of official censorship, Poland has a diversified press. While following the approved government line on international issues, the press continues to be a forum for lively debate on domestic issues. The broad range of views found in the Polish press reflects an equally wide diversity of philosophical positions maintained by individual publications. For example, the independent Catholic weekly Tygodnik Powszechny and the independent, private Res Publica, and, on the official side, the Warsaw daily Zycie Warszawy, the hard-line party weekly Rzeczywistosc, and the "liberal" party weekly Polityka, present contending views on economic reform, ideology, and cadre policy, the extent of dialog within various spheres of society, social, and cultural issues, the role of the Church, and the role of the intellectual in society. Independent above-ground publications, while subtly addressing a wide range of issues, customarily indicate within printed texts where censors have deleted material and which provision of the censorship law has been invoked. A brand-new official monthly, Konfrontacja, loosely connected with the Patriotic Movement for National Rebirth (PRON), broke new ground by soliciting articles and interviews with prominent opposition figures, including Solidarity leader Lech Walesa.

Adam Michnik, a prominent opposition historian, published in the above-ground press for the first time since 1981.

The underground press continues to thrive, amid uneven levels of repression, producing a multitude of products varying from shop-floor leaflets to relatively high-quality editions of books not published officially. Despite chronic shortages of materials and equipment, and periodic harassment raids and confiscations, many opposition publications appear in a regular and timely fashion. Many are sold openly at boutiques at the universities. Also thriving is an underground video market (supplemented by underground productions on a variety of subjects). Satellite television has come to Poland: according to a February 1986 statement of the government spokesman, 2,100 authorizations have been issued for satellite dishes. There are no reports of an application for authorization being denied. Satellite television is such an accepted part of life that the daily newspaper of the Military Political Administration, Zolnierz Wolnosci, publishes program listings at the beginning of each month.

Continuing the trend begun in 1987, additional, controversial films on political topics previously withheld from public release appeared in the theaters. A television serial, filmed in the late 1970's, which dealt, albeit gingerly, with Stalin-era abuses was shown with considerable fanfare on television. A radio program, begun in 1987, continued to broadcast without comment critical, political commentaries from Western radio stations, including Radio Free Europe and the Voice of America.

Poland is the home of the only independent university in Eastern Europe, the Catholic University of Lublin. Its very existence, as well as its extensive ties to institutions and persons in the West (it counts Pope John Paul II among former faculty members), is visible evidence of the national and religious traditions which still help to shape Polish higher education. There are also a number of diocesan seminaries, independently administered by the Bishop ordinary of Poland's dioceses.

Amendments adopted in 1985 to the 1982 higher education law increased governmental control over universities and other college-level institutions. One of the most substantial measures empowered the Minister of Science, Higher Education, and Technology to approve all candidates for university rector and other high offices before the names of the candidates could be submitted to university senates for elections. The other major governmental intrusion on academic freedom was the "verification process," a program announced in 1985 ostensibly to weed out less productive academics in midlevel positions. However, despite the fear that the program would be used to strip selected faculty of their tenure and teaching responsibilities, there was no wide scale purge, and some opposition activists passed through the verification process successfully.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is at government sufferance and subject to tight restrictions. Permits are required to hold public meetings or rallies. Requests for permits for protest meetings are routinely denied, but unofficial discussion groups and alternative cultural events take place in private homes and churches with the acquiescence,

if not the approval, of the authorities. Demonstrators are sometimes detained for 1 or more days, while other protest demonstrations occur without official interference.

The most pervasive outpourings of unrest in Poland since martial law took place in 1988. The two major strike waves, in April/May and in August, engendered numerous accompanying demonstrations, such as the May demonstration in Warsaw at St. Stanislaw's church and the August 14 demonstration at St. Brygida's church in Gdansk. Many demonstrations took place during the course of the strikes and some, such as the demonstration at Stalowa Wola Steel Works, took place at the conclusion of the strikes as an expression of continued resolve.

In September thousands of workers assembled at the Jasna Gora Monastery for a religious event at which there were antigovernment and anti-Communist banners and speeches. The government spokesman and others expressed official unhappiness with the event, but there apparently were no other repercussions. Some demonstrations on the December 13 anniversary of martial law were disruptive, with demonstrators throwing objects. Clashes with the police ensued, resulting in some injuries and some detentions.

Under Polish law, associations and clubs need official permission or sponsorship to function legally. Among the most significant of Poland's many independent clubs is the Catholic Intellectuals' Club (KIK), particularly the Warsaw chapter. KIK sponsors lecture series and other independent activities open to the public with little or no interference from the authorities. KIK has also been actively engaged in persuading the Government to adopt a new law on associations which would drop the "social utility" standard which has been routinely used to prevent the organization of new clubs and associations. Although the proposed law has not yet passed, at least two associations officially disbanded during martial law reorganized in 1988 above ground and received registration--the Gdansk chapter of KIK and the Polish Pen Club. Among new independent associations registered in 1988 are Warsaw's "Dziekania" political club and "Young Poland," an independent youth group.

Some officially sponsored professional associations were formed after the Government's dissolution in 1983 of the writers' and journalists' unions and other organizations which had obtained considerable independence during the 1980-81 period. These successor groups have failed to earn the support of a significant proportion of Poland's intellectuals, despite material incentives to join. The law permitting the formation of nonprofit, independent foundations for certain charitable, social, and health purposes remains in effect. One new organization of this type is a Solidarity-connected foundation to assist families with many children. The Warsaw regional Solidarity leader Zbigniew Bujak created the organization, which functions legally.

The August human rights conference cosponsored by Solidarity and the Freedom and Peace movement demonstrated that while neither organization is officially recognized, both operate with some tacit official acquiescence. Neither group can legally maintain contacts with human rights organizations in the West, but despite this restriction, the two groups were able to invite, receive, and freely exchange views with human

rights activists from the West and from other Warsaw Pact countries.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution ensures "freedom of conscience and belief," and Polish citizens (other than party members, who are discouraged from overt religious practice) enjoy considerable freedom to profess their religious beliefs.

Poland is predominantly Roman Catholic. The Church maintains over 3,300 churches, schools, and other institutions, and a vigorous program of building new churches is going on with state permission. The Catholic Church publishes significant numbers of books and periodicals, as does the independent Catholic press, though in practice there are some restrictions, such as limited access to printing equipment and government-allotted paper. Sunday Catholic Mass and services of other religions are broadcast.

Discussions continued in 1988 concerning the establishment of diplomatic relations with the Vatican, with both sides continuing to express optimism about the prospects. Despite the relatively businesslike church-state relations, however, the world views of the Communist authorities and the Church remain antithetical. Individual clergy and Catholic lay leaders carried on their at times vigorous campaigns for greater personal freedom and respect for human rights.

There is no government-sponsored discrimination against minority religions. Eastern Orthodox, Ukrainian Catholic, and the much smaller Protestant, Jewish, and Muslim congregations meet without interference but find it difficult to maintain their places of worship and train their clergy, mainly because of their small size, wide dispersion, and limited financial resources. A number of Jehovah's Witnesses, who were jailed for refusing to perform Poland's obligatory military service, were released in July with the passage of Poland's alternative service law.

The largest minority is the Orthodox faith, with between 800,000 and 1.5 million faithful concentrated in Poland's eastern provinces. The Orthodox Church maintains 350 places of worship and has continued a recently begun program of church building and monastery renovation. It sponsors the publication of a number of books and several periodicals, and broadcasts its masses on Polish radio four times a year. As a result of recent administrative action, it has obtained the return of some religious buildings previously under government control. Apart from financial difficulties, there have been complaints of Polish ethnic prejudice (most of the Orthodox faithful in Poland are of Byelorussian, Ukrainian, or Russian origin). Orthodox believers face a major problem in maintaining contact with their religious brethren in the Soviet Union because of restrictions on their movements across the border by both the Polish and Soviet Governments.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal restrictions on travel within Poland. There are also no legal restrictions on changing one's

residence, but in practice the acute housing shortage makes this difficult and in some areas, such as Warsaw, virtually impossible to do. Cases of people working in one location and legally residing hundreds of miles away are known.

With the liberalization of Poland's passport issuance policy in July 1987, the Polish Government states that 97 percent of all passport applications are granted. Criminals, persons with access to military and other secrets, and some opposition activists were among the categories of persons most likely to be denied permission to travel abroad in 1988. Some prominent opposition activists who for years have been denied permission to travel were allowed in 1988 to travel to the West and return with relatively little harassment. Opposition activists who are less well known, however, continue to have difficulties.

The 1987 liberalization also made it easier for Poles who traveled or remained abroad "illegally," that is, Poles who emigrated on passports issued for tourist travel or Poles who remained abroad beyond the validity of their exit permission, to return to Poland with no sanctions or limitations on future travel. Many Poles who previously refused to return to Poland to visit families for fear of reprisals by the Government did so during 1988 without incident. A few persons, primarily opposition activists or those with family or financial complications, still experience difficulty in obtaining permission to travel abroad again after their return to Poland.

Most applicants for emigrant passports eventually obtain them. However, the requirement that all real property must be disposed of and customs permission obtained for any personal items they wish to take with them prior to issuance remains a difficulty for many would-be applicants. Such applicants, however, frequently emigrate on tourist passports. After establishing a legal residence abroad, a Polish citizen can obtain a consular passport to return to Poland or revalidate the tourist passport for visits to Poland. During 1988 the Polish Government reduced the list of divided families maintained on the U.S. list by more than two-thirds.

Under Polish law, only the Council of State may revoke citizenship. Involuntary revocation must be based on one of the following activities: actions violating the duty of allegiance to the Polish State; actions detrimental to the substantial interests of Poland; departure from Poland after May 9, 1954, and failure to return when so requested by the Polish Government; evasion of military service; or conviction abroad of a crime also recognized as a felony under Polish criminal law. The Government rarely revokes citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Poles do not have the right to change their leaders or the system of government. Poland is ruled by the PZPR (Polish United Workers' Party) or Communist party, which, through its head, General Jaruzelski, and a small group of his advisers, determines national policy goals. Policy is normally implemented through the government ministries and through a parallel party bureaucracy that complements and interacts with the ministries. The party is not always clearly the dominant force. The military and security services, as well as various economic ministries, often play key roles not only in the exercise of power but also in policy formulation. The two

coalition partners, the United Peasants' Party and the Democratic Party, collaborate closely with the PZPR and are responsive to its guidance. The Patriotic Movement for National Rebirth (PRON), an umbrella group of political, economic, and social organizations, is directed by the authorities.

The Constitution specifies that the Sejm (parliament) is the chief legislative body of Poland. The Sejm can be counted on to pass, nearly but not completely unanimously, any legislation that the Chairman of the Council of Ministers and relevant bureaucracies propose, and does not, as a rule, generate legislation itself. Nevertheless, during 1988, and especially since the August strike wave, rumblings of significant change in the actual structure of government have surfaced.

The Consultative Council, formed by the Government in December 1986, continued to meet occasionally throughout 1988 to discuss a variety of topics. The July meeting, for example, took up environmental issues. Uncensored transcripts of portions of the debates are published in the official press and provide a wider commentary on government policies and current domestic issues than has been available in official sources in the past.

Legislation creating the office of the Ombudsman or Spokesman for Citizens Rights was passed by the Sejm in July 1987 and went into effect in January 1988. The Ombudsman has the right in theory to review and reverse administrative and legal decisions appealed to her by individual Polish citizens. The office of the Ombudsman has played a limited role in Poland's political life during 1988. Although the Ombudsman has made some progress in the areas of pension benefits and compensation for land expropriated in the post-World War II period, this progress has been insufficient even for the government-affiliated PRON, which has complained publicly about the Ombudsman's performance. The Ombudsman has been deluged with requests, further hampering her ability to take effective action. Moreover, when she found in favor of a petition by the nascent Polish Socialist Party (PPS), which contended that no article of Polish law required that newly formed political parties register with the State, the government press spokesman noted that the Government did not agree with this finding and would continue to regard the PPS as an illegal organization.

A new electoral law was passed in March, the main features of which were: multiple candidates; the candidates to be listed alphabetically (rather than in descending order of official desirability); and voters had to mark their ballots (a change from previous practice) in order for their votes to be counted. Although in theory this law represented a move toward more genuinely democratic elections, the reality fell short of expectations, resulting in a notably low (56 percent according to government reports, lower by opposition estimates) voter turnout for the local elections in June.

Women in general do not play a major role in politics and government. There is one woman in the PZPR Politburo and one female minister in the Government.

POLAND

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

There is no government-controlled or sponsored organization in Poland devoted exclusively to human rights issues, and independent human rights groups have no official permission to exist. However, there is an anonymous chapter of the Helsinki Committee in Poland, which compiles occasional reports evaluating the human rights situation in Poland. Representatives of Poland's unofficial human rights groups met and exchanged views with Western and East European counterparts at the human rights conference noted in Section 2.b.

Underground publications persistently raise questions about human rights practices in Poland, focusing primarily on labor, ecological, and police-related issues.

The Government is a signatory or party to many international agreements and instruments with human rights components, including the Final Act of the Conference on Security and Cooperation in Europe. Government authorities typically contend, however, that international and nongovernmental inquiries into the state of human rights in Poland based on these agreements constitute interference in Poland's internal affairs. The Government did not cooperate in the implementation of the 1983 resolution of the U.N. Human Rights Commission asking the U.N. Secretary General, or his designee, to prepare a comprehensive report on the human rights situation in Poland.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

Women's rights have not become a major public issue in Poland. Historical circumstances, including World War II losses of manpower, helped open many professions to women. Women work in nearly all blue-collar trades, other than mining and steel, and in all professional fields. However, despite their major presence in the work force and government figures which show they are generally better educated than men, women usually earn less than their male colleagues. Only a small proportion of positions at the higher levels of local and national government is filled by women.

Poland has a liberal maternity and child care leave policy dating from the Solidarity-inspired Gdansk accords. Women are entitled to 4 months' paid maternity leave and up to 3 years' unpaid leave with guarantees of returning to the same or a comparable position. Depending on the family income, support is sometimes provided for the entire duration of the leave period. The Government and some places of employment offer child-care services; however, these activities do not come close to meeting the work force's child-care needs.

Section 6 Worker Rights

a. The Right of Association

Poles do not have the right to be represented by the trade union or professional association of their choice. The Government agreed following the August strike wave to negotiate with the opposition, specifically with Lech Walesa and other leaders of the banned trade union Solidarity, on the issue of trade union pluralism. No substantive progress has

been made on this issue thus far. Currently, only government-controlled unions are permitted.

Leaders of the official unions, the vast majority of which are grouped under the umbrella of the National Alliance of Trade Unions (OPZZ) formally established in November 1984, have vehemently opposed trade union pluralism, i.e., more than one union in an individual enterprise. The OPZZ acknowledges the right of unions not formally affiliated with it to exist as long as they are registered with the courts, a qualification that excludes Solidarity unions from consideration. Alfred Miodowicz, the leader of the OPZZ, is a member of the PZPR Politburo.

The 1982 trade union law severely circumscribes the right to strike, making legal work stoppage next to impossible. Nevertheless, work stoppages ranging from a few hours to full-scale strikes at the docks of Szczecin, the shipyards of Gdansk, the mines of Silesia, and other places occurred in 1988. Lower level activists of the OPZZ themselves initiated several illegal strikes, and the OPZZ has called for a more liberal definition of "legal" strikes.

However, strike leaders still frequently face discrimination in the workplace and even dismissal. Of the workers fired from the coal mines that struck in August, many have not yet been rehired. The entire strike committee of one of the shipyards in Gdansk was fired during the strikes. Although the Government, in preparation for the roundtable discussions with Solidarity, offered general assurances that fired workers would be rehired, many of these cases remain unresolved.

Since the declaration of martial law in 1981 and the legal dissolution of Solidarity, Poland has been the subject of complaints in the International Labor Organization (ILO), alleging infringement of ILO Conventions No 87 on Freedom of Association and No. 98 on the Right to Organize and Collective Bargaining. In 1984 an ILO Commission of Inquiry concluded that the Polish Government should restore trade union freedoms, including relegalize Solidarity. In response, Poland gave notice of its intent to withdraw from the ILO. Three years later, it vacated its decision to withdraw and resumed participation in ILO meetings without, however, recognizing or implementing the major part of the recommendations contained in the 1984 report. In 1988 these issues were again reviewed by several ILO committees. Among the issues and complaints reviewed were the system of obligatory trade union unity imposed by the trade union law of 1982, under which only one trade union organization may exist in any enterprise; restrictions on the right to strike; the dismissal of workers for reasons related to their participation in trade union activities or to acts of social protest; the difficulties allegedly encountered by former trade unionists who had been interned, arrested, or sentenced, and then amnestied, in recovering their employment; and restrictive legislative requirements for the registration of collective agreements. The Government did not deny there was a discrepancy between the provision of the 1982 law suspending trade union pluralism and Convention No. 87, but asked for the ILO's patience while it undertook to review its labor legislation to bring it into conformity with Poland's obligations under the ILO conventions. The ILO's supervisory bodies again urged the Polish Government to take the necessary steps to ensure that the provisions of the conventions are fully applied in law and practice.

POLAND

The OPZZ is affiliated with the Soviet-controlled World Federation of Trade Unions. Solidarity is affiliated with the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labor. While the Government for some years interfered with Solidarity leader Lech Walesa's ability to maintain direct contacts with free trade unions and in the spring denied him a passport to travel to an ICFTU conference in Australia, in December it allowed Walesa to travel to Paris for a conference on human rights sponsored by the French Government.

b. The Right to Organize and Bargain Collectively

As noted above, Polish workers are still denied the right to be represented by a trade union of their choice. The OPZZ maintains that it represents the interests of the workers to the greatest degree possible. Solidarity activists and sympathizers strongly disagree. Solidarity maintains that workers have no right to bargain collectively as long as they cannot legally be represented by the union of their choice. There are no economic incentive zones or special industries where labor standards differ from those elsewhere in the country.

c. Prohibition of Forced or Compulsory Labor.

Under legislation dating from the early 1980's, persons who are registered as unemployed and who refuse to seek employment without adequate justification, may be listed as "habitual parasites" and compelled to accept assigned employment, usually in street cleaning, park maintenance, or garbage collection, under threat of penal sanction. Implementation of sanctions under this law is rare, however, and to date the law has not been specifically applied as a means of political coercion, curtailment of the free expression of political or ideological opinions, or racial or social discrimination.

d. Minimum Age for Employment of Children

The Polish labor code generally forbids the employment of a person who has not reached the age of 15. The employment of a young person, defined as someone aged 15 to 18, is permitted, provided that person has completed basic schooling. Special exceptions are sometimes required if a particular job might pose a health danger. The labor code specifies that a young person without professional qualifications may be employed only for the purpose of vocational preparation, although again there is provision for special exceptions. These laws are effectively enforced.

e. Acceptable Conditions of Work

The length and distribution of hours of work are regulated by the Polish labor code and meet generally accepted international standards. Paid annual holidays are provided. In practice, most families find that both the husband and wife must be employed in order to sustain an acceptable standard of living. Polish wage levels are calculated according to a very complex formula based on a theoretical base wage, extensive bonuses and overtime, and production quotas. In 1988 the base wage, used primarily for statistical purposes, was about $35-50 per month, depending on the exchange rate.

The Polish legal code spells out minimum conditions for the protection of workers' health and safety. Although in most

respects these standards meet the international norm, several Western and other independent observers reported substandard safety conditions and work environments, most notably in the Silesian mines where the August strike wave began. Among the strikers' demands were improved safety conditions and a cessation of the requirement that miners work a 6-day or 7-day workweek in order to earn a full salary. There are also frequent allegations that some factories fail to maintain government-regulated work, health, and safety standards, and the official media occasionally publicize such cases.

PORTUGAL

The Republic of Portugal is a parliamentary democracy with a president and legislative assembly freely elected by secret ballot. Former Prime Minister Mario Soares was elected Portugal's first civilian President in 60 years in 1986; in 1987 Prime Minister Cavaco Silva was reelected with a parliamentary majority.

Macau, a small, Portuguese-administered island group off the coast of China, has limited representative government. Macau is regarded by both the Portuguese and Chinese Governments as Chinese territory operating under Portuguese administration. Under an agreement between the two Governments, Macau will become a Special Administrative Region of China in 1999.

Internal security operations are primarily the responsibility of the judicial police and the civilian and military intelligence services, which are under the control of the Government.

Large segments of the economy were nationalized in the wake of the 1974 revolution. However, recent governments have opened the banking sector to private competition and have returned to the private sector many companies acquired as subsidiaries of state enterprises or acquired indirectly via the bank nationalizations. The Government also has permitted up to 49 percent private ownership of some state-run companies, and it continues efforts to revise the Constitution to permit fuller denationalization.

The human rights situation in 1988 was stable. The Government of Portugal and its institutions continue to act in a manner consistent with respect for human rights. Civil rights are outlined in the Constitution in accordance with the Universal Declaration of Human Rights. An ombudsman, elected by the Assembly to serve a 5-year term, is Portugal's Chief Civil and Human Rights Officer. Any citizen may apply to him for relief. The Ombudsman receives about 3,500 complaints annually. The vast majority concern cases of alleged maladministration by the cumbersome bureaucracy.

The fundamental human rights contained in the Portuguese Constitution apply also to Macau, although in practice there are significant differences in some areas, including political institutions and worker rights practices.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Government-sanctioned political killings do not occur. There were no killings attributed to domestic terrorist groups in 1988.

b. Disappearance

Government or police authorities do not abduct, secretly arrest, or otherwise illegally detain persons. There were no terrorist abductions in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture, inhuman or degrading treatment or punishment, and the Ombudsman did not receive any complaints of such treatment in 1988.

d. Arbitrary Arrest, Detention, or Exile

Under Portuguese law, a prosecuting judge reviews the case against a person arrested and accused of a crime to determine whether that person should be detained or released on bail. No person may be held for more than 48 hours unless a prosecuting judge orders preventive detention which is limited to a maximum of 4 months for each crime. Because of the cumbersome, backlogged judicial system, detention beyond 4 months is not unusual in major crimes such as murder or armed robbery. Detainees and persons in preventive detention have access to lawyers, who have been successful in protecting their clients' rights.

Exile and incommunicado detention are illegal and not practiced in Portugal. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Portugal has an independent and impartial judicial system. All trials are public except those which may offend the dignity of the victim, such as in cases involving the sexual abuse of children. The accused is presumed innocent until proven guilty.

A clear procedural distinction exists between the arrest phase and the trial. A panel of three judges (which does not include the prosecuting judge) presides over cases which go to trial. A ministerial delegate assists the judges in reviewing the evidence. At the request of the accused, a jury may be used in trials for major crimes. The judges or jury may render the verdict. Sentence may be passed only in the presence of the defense attorney.

Portugal holds no political prisoners. Some radical leftist opponents of the regime have claimed that certain persons imprisoned for participation in terrorist organizations are political prisoners, including 64 persons found guilty of membership in FP-25 (translated as the "Popular Front of the 25th of April," referring to the April 25, 1974, revolution) and sentenced to prison terms in 1987. Most noteworthy of these is Otelo Saraiva de Carvalho, one of the leaders of the 1974 coup and convicted leader of the FP-25's shadowy "global project" organization, which advocates the overthrow of the Government by armed rebellion. While there has been criticism of the Government's handling of Otelo Carvalho's case, his conviction was upheld under appeal by the Portuguese Supreme Court in 1988.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no reports of governmental intrusion into the private life of citizens in 1988. The State does not tamper with private correspondence or telephones except with a court order. The Constitution forbids forced entry into homes and

searches without a judicial warrant. In addition, entry into a person's home at night requires the consent of the occupant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press is provided for in the Constitution and respected by the State. The constitutionally mandated Council of Social Communication acts as a watchdog to protect freedom of speech and access to the media. The Council, whose members are elected by the Assembly of the Republic, makes recommendations to the Assembly and has enforcement powers.

"Fascist organizations" are prohibited by law. In addition, a person may be prosecuted for "insulting" civil or military authorities if such an "insult" was intended to undermine the rule of law. There were no prosecutions for "insult" in 1988.

The State owns both television channels and two of the three national radio stations. In principle, the Government does not control television or radio programming. In practice, however, the Government wields considerable influence in the broadcast media through personnel appointments. Opposition parties sometimes charge that state-owned television and radio ignore or distort opposition views and activities.

The State indirectly subsidizes the press (through its postrevolutionary nationalization of the banks, to which the press is heavily indebted), but does not control editorial comment. The entire spectrum of political thought is represented in the Portuguese press. The Government is attempting to eliminate subsidies and in 1988 announced plans to reduce its interest in the print media. Obstacles to further broadening of the private sector role in the press are administrative and economic, not political or ideological. One newspaper, A Capital, was privatized in September 1988.

The academic community is free to express its views.

b. Freedom of Peaceful Assembly and Association

Persons have the right, in law and practice, to associate formally or informally, to promote nonviolent causes, and to protest government policies. Public meetings or protests require 24-hour advance notice to the civil governor of the region in which the event is to be held. Permission is routinely granted. The official registration of a new political party requires 5,000 signatures.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Portugal does not have a state religion. The Government does not interfere with the free practice of religion, missionary work, or religious publications. Organized religious groups may establish places of worship, train clergy, and proselytize without government interference. These freedoms extend to foreign clergy, many of whom work in Portugal. To qualify as a tax-exempt institution, religious groups must be established as nonprofit, private societies.

PORTUGAL

Roman Catholicism is the prevailing religion in Portugal. Catholic religious instruction is offered as an elective course in public schools. Other denominations offer religious education in their own institutions without interference. Success in a civil, military, professional, or political career does not depend upon adherence to a religious creed. There were no reported cases of religious persecution in 1988.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution ensures freedom of movement, foreign travel, and emigration. There are no restraints on domestic travel or on the right of a person to change domicile. Some currency restrictions still affect travel. Citizenship is not revoked for political reasons.

Displaced persons who qualify as refugees, as defined by the United Nations, are entitled to permanent resident status and work permits. Displaced persons are not forced to return to the country from which they fled.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Portugal is a multiparty, participatory democracy in which candidates for the presidency and for legislative, regional, and municipal offices are freely nominated and elected by secret ballot on the basis of universal suffrage. The unicameral Assembly is the legislative body. The Prime Minister is the head of the Government. Except for the United Popular Front (FUP), which was excluded from participation in elections because of evidence linking it with the terrorist organization FP-25, opposition parties and candidates operate freely and enjoy access to the media. General elections are held at least every 4 years. The President has a 5-year mandate and may not serve more than two consecutive terms.

Women are active in political life at all levels. The Government includes one female minister and three junior ministers (state secretaries).

In Macau, representative government exists on a limited basis. The 17-member Legislative Assembly is an organizational hybrid in which 6 members are chosen by means of universal, direct elections, 6 are indirectly elected by local community economic or cultural associations, and 5 are appointed by the Governor. There is also popular representation in the Consultative Council, an advisory group to the Governor. The Macau Government, by tradition, also consults informally on a regular basis with local business and cultural leaders.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Portugal cooperates with independent outside investigations of human rights conditions and actively participates in the monitoring of human rights by the Council of Europe. Amnesty International, the Portuguese branch of the International Commission of Jurists, and other private international human rights groups operate freely in Portugal.

PORTUGAL

Section 5 Discrimination Based on Race, Sex, Religion Language, or Social Status

There are no laws discriminating against any racial, ethnic, or religious group; nor do such groups benefit from a privileged status in Portugal.

The Civil Code provides full legal equality for women. Women play an active role in political parties, but remain underrepresented in party and government leadership positions. A woman served as Prime Minister in 1979 and was a serious candidate for the Presidency in 1985. Currently, women occupy 1 of 16 ministerial positions and 3 state secretary or undersecretary positions. Women are increasing their representation in universities, business, science, government, and the professions. Traditional attitudes of male dominance persist in some areas, but are changing gradually. Women constitute 30 percent of the employed work force. According to the Democratic Labor Federation, women's average salaries are 28 percent lower than those of male workers. The Commission on the Status of Women, an official organization established in 1976, is a leading advocate for women's rights.

In Macau, as a consequence of governmental and legal systems which place a premium on knowledge of the Portuguese language and metropolitan law, top leadership positions in the territorial administration are almost without exception filled by officials recruited from Portugal. Nevertheless, efforts are under way to change this. Legislation is now being drafted in both Chinese and Portuguese, and both languages have equal status in the Legislative Assembly and Consultative Council.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to establish committees in the workplace "to defend their interests." The Constitution ensures the right to establish unions by profession or industry. Trade union associations are guaranteed the right to participate in the preparation of labor legislation. Strikes are permitted for any reason, including political causes. Lockouts are prohibited. These constitutional provisions are respected in practice.

Neither the Government nor unions publish membership statistics. It is estimated that approximately one-third of Portugal's work force is unionized. There are two labor federations. The General Confederation of Portuguese Workers Intersindical (CGTP-IN), which is controlled by the Communist Party, is Portugal's most militant federation. The General Union of Workers (UGT) is a pluralist democratic federation affiliated with the International Confederation of Free Trade Unions and the European Trade Union Congress. Membership in the two federations is roughly equal.

Both federations and their affiliates function free from government control, but they are closely associated with political parties. The CGTP-IN generally supports the Communist Party's policies and causes. UGT leaders are associated with either the Socialist or Social Democratic Parties. Although some UGT leaders serve in Parliament, the federation pursues a generally independent path that

occasionally puts it in conflict with the Socialist and/or Social Democratic parties. The labor movement in Portugal exercises significant influence on social and economic policymaking.

In Macau, current laws recognize the freedom of workers to join unions and to strike. The Government does not impede the formation of unions nor practice discrimination against union members. Neither the PRC Government nor the Chinese Communist Party exercises any direct control over Macau labor unions. Chinese mainland influence is considerable in a number of sectors, however; on the labor front, this influence has resulted in a quiescent labor movement in keeping with PRC aims to maintain domestic stability in Macau in the period up to 1999. Such influence indeed complements the local traditional view of unions as centers for social and cultural activities.

b. The Right to Organize and Bargain Collectively

Unions are free to organize without government or employer interference.

Collective bargaining is guaranteed by the Constitution and practiced extensively in the public and private sectors. When collective bargaining fails, the Government can, at the request of management and labor, make a mediator available. When collective bargaining disputes lead to prolonged strike action in key sectors (for example health and transportation), the Government is empowered to order the workers back to work for a specific period. It has rarely done so in practice. Union officials and members are protected by law against antiunion discrimination. There are no export processing zones in Portugal, and labor law and practice are generally uniform throughout the country.

In Macau, unions tend to resemble traditional neighborhood associations, promoting social and cultural activities rather than issues related to the workplace. Local custom, moreover, favors employment without the benefit of written labor contracts, the exception being the import of contract labor from China. Unions traditionally have not attempted to engage in collective bargaining. Accordingly, while the Macau Government does not impede or discourage collective bargaining, there are no government mechanisms to promote voluntary negotiations. There are no export processing zones in Macau.

c. Prohibition of Forced or Compulsory Labor

Forced labor does not exist.

d. Minimum Age for Employment of Children

The minimum employment age is 14 years. The Government has cited plans to boost the minimum age to 16 years once new educational reforms take effect. Child labor is not a general problem in Portugal, but there are cases of companies operating outside the law. The UGT and CGTP-IN have charged that a number of companies in the textile, shoe, and construction industries in northern Portugal exploit child labor. The Government has acknowledged that abuses exist and has vowed to eliminate them.

PORTUGAL

e. Acceptable Conditions of Work

A national monthly minimum wage for full-time workers was first established in Portugal in 1974. Minimum wages for rural workers and domestic employees were legislatively established in 1977 and 1978 respectively. Except in 1982, minimum wages have increased every year. The current minimum monthly wage for general workers is $181; for agricultural workers and domestics, it is $165 and $130 respectively. The minimum wage is generally enforced. While it is difficult for a single income family to maintain a decent standard of living on a minimum wage income, particularly in urban areas, rent control and various social assistance subsidies ameliorate the situation.

Workers receive a Christmas bonus equal to 1 month's salary. Workers are required by law to be granted an individual written contract which must include their professional category and salary, the work site, the starting date, and the duration of the contract (in the case of temporary workers). Employers are required to contribute to an employee's social security fund. Legislation limits regular hours of work to 8 hours daily and 48 hours per week. Overtime is limited to 2 hours per work period, up to 160 hours annually. Overtime work on a normal day off is restricted to 8 hours. Workers are guaranteed 21 days of paid annual leave per year. The Ministry of Employment and Social Security monitors compliance with the above regulations through its regional inspectors.

Employers are required by law to hold accident insurance or to assume responsibility for accidents at the work site. Portugal has developed a compendium of legislation that regulates safety and health. Labor unions deem these regulations inadequate and continue to urge the Government to implement and enforce stiffer legislation.

In Macau, existing labor legislation provides for a 48-hour workweek (normally 8 hours per day and no more than 10.5 hours per day), overtime, annual leave, medical and maternity care, and employee compensation insurance. The labor department is responsible for processing complaints. However, government enforcement of the labor laws appears to be lax at times, partly owing to limited fiscal resources and personnel skills, but also to a lack of policy emphasis. In the absence of any statutory minimum wage or publicly administered social security program, some large companies have provided private welfare and security packages. Calls for reform of the existing labor law, for medical insurance, a social security system, and increases in employee compensation figured in campaign platforms of various candidates in the October elections for directly elected seats in the Legislative Assembly. To offset the current labor shortage, the Macau Government allows the importation of labor from China under contract. There are heavy fines on employers harboring illegal immigrants. The number of imported workers in Macau is between 1,500 and 3,000 out of an estimated work force of 195,000.

ROMANIA

Romania is a highly centralized Communist state in which Nicolae Ceausescu, Secretary General of the Romanian Communist Party, is also President of the Republic, Chairman of the Council of State, and Chairman of the Romanian Defense Council. Directly and through the Government, the party seeks to control every significant aspect of the country's life. The powerful Department of State Security, organizationally under the Ministry of Internal Affairs, has among its major functions providing security for the leadership and suppressing dissent and opposition of any kind.

Romania's stringent austerity program intensified during 1988, producing effects prejudicial to the physical and psychological well-being of the Romanian people. The policy of rapid repayment of Romania' foreign debt through maximizing exports and restricting imports resulted in serious shortages of food and household energy and caused a scarcity of such essential items as medicines. Many basic food items were rationed and were hard to obtain. State-enforced austerity also prompted increased efforts by Romanians to emigrate, both legally and illegally.

Human rights continued to be widely restricted in 1988. Constant vigilance and harassment by security forces have stifled the public expression of dissident views and the formation of opposition groups which might question party policy. Evidence exists that psychiatric treatment continued to be used as a form of punishment for political or religious activism. Members of the Hungarian ethnic minority in Transylvania continued to object to government policies which, they claim, erode their ethnic identity. The Government maintained that it does not discriminate against minority groups.

Plans for "systematization" of Romania's agricultural sector, aimed at improving rural living standards and economic efficiency by eliminating half of Romania's 13,000 villages and relocating their inhabitants to more central locations, have aroused great concern both within and outside Romania. Urban "systematization", especially in Bucharest, has abruptly displaced persons from their homes and resulted in the demolition of many historic houses, churches, and other buildings. Those relocated appeared to have no formal or effective means of influencing or protesting their forced resettlement.

The practice of religion, although widespread and growing, is constrained through government controls over religious leaders, literature, and building construction. In several cases, the Government failed to grant permission for the expansion or renovation of existing church structures. Despite the Baptist General Union's request for another 5,000 Protestant Bibles, the Government did not grant approval for a second printing.

In January a total amnesty was declared for all prisoners with sentences of 10 years or less, while sentences over 10 years were reduced. Some political prisoners were released, including those convicted of purely political offenses as well as those convicted of common crimes.

Although Romania renounced U.S. most-favored-nation trade status which was tied to its performance on emigration, it

pledged to continue permitting emigration in cases involving family reunification. In 1988, however, emigration approvals for family reunification of U.S.-qualified persons were 17 percent lower than in 1987. Contrary to an agreement reached with the United States in 1985, Romanian authorities frequently denied jobs, housing, schooling, medical care, and other social necessities to those who had applied to emigrate, even before they received U.S. entry documents. The Romanian Government denies this is a general policy.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no substantiated claims of political killings during 1988. However, there were several reports that as many as 15 demonstrators arrested following the November 1987 disturbances in Brasov had died while in custody as a result of maltreatment at the hands of the authorities. Several strike leaders reportedly died under suspicious circumstances after having been released from custody.

b. Disappearance

There were some reports of politically motivated temporary disappearances. Families and friends of persons arrested on political charges are frequently left unaware of their arrest, their circumstances, and their location for long periods of time.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There were numerous reports that persons are mistreated while in Romanian prisons or police custody and that police authorities act brutally to obtain information. Romanian authorities also use physical and mental degradation to intimidate those caught or suspected of wrongdoing. Persons detained for questioning are often held incommunicado and kept for long periods without sleep, food, or access to toilet facilities. Those caught attempting to leave the country illegally, for example, are subject to physical and mental harassment, often prior to being given only relatively light sentences if they are first offenders. Reliable witnesses also report incidents in which police administered severe beatings to persons arrested for minor infractions. Workers arrested after the 1987 demonstrations in Brasov reportedly suffered physical and psychological torture.

Although Amnesty International (AI) in 1987 reported a decline in the abuse of psychiatric treatment as a form of punishment, other sources assert that the practice continues, inter alia, through the administration of drugs to prisoners. Some persons accused of acting against the Socialist order are committed to psychiatric institutions as a form of punishment. Religious activist Nestor Popescu remained interned in a psychiatric institution throughout 1988. He was arrested for creating a disturbance in August 1987 while seeking to speak with an official at a Western embassy.

The most common complaints about mistreatment in prison cite long periods of isolation, excessive use of force by guards,

badly ventilated and poorly heated cells, insufficient and poorly prepared food, difficult working conditions, and segregation of prisoners deemed "dangerous to the State" because of their religious beliefs or for other reasons.

Political prisoners who do not cooperate with their jailers are often treated with great cruelty. They are generally kept apart from other offenders and restricted to their cells. Prison guards are said to engage in abusive behavior and allow, and in some cases even encourage, favored prisoners to punish those less favored. While many political prisoners are kept in local jails and released when authorities believe their behavior has been corrected, those who are not cooperative are kept for longer periods of time. Most persons convicted of political crimes, such as propaganda against the State, are kept in special sections of designated prisons where a particularly harsh regime is enforced. Some prisoners claim they have been denied medical treatment; the evidence suggests that medical care in prisons is poor at best. There are no reports that police or prison guards have been disciplined for abusing those detained or imprisoned.

d. Arbitrary Arrest, Detention, or Exile

Romanian law provides for either a judge or a prosecutor to issue an arrest warrant. Once arrested, a person may be held without trial for up to 1 month before a hearing, but the prosecutor may obtain an extension for an additional 3 months. After this, the court may order further extensions in 30-day increments. There is no limit set by law on the total length of time a person may be held prior to trial. There is no provision for bail.

The law also provides for preventive detention. Persons detained for investigation often are held incommunicado. They are detained for varying periods of time, sometimes as long a several days, and then released without charge. Such arbitrary detention may be repeated several times, and the person may be called back repeatedly and threatened with further harassment or punishment. This treatment is particularly common for religious activists and former political prisoners. Exile was not used as a form of punishment. Among several political activists currently subject to forced domicile are Doina Cornea, after granting an interview to a Western journalist in 1987, and Gheorghe Nastasescu, a former political prisoner, whose signature appeared on a letter criticizing Romania to a Western journalist. Several critics of the regime who have spoken to Western journalists remained under strict surveillance and have been interrogated by the police several times.

At least two political activists were detained on charges of having committed common crimes when they attempted to exercise their basic right to freedom of movement within Romania. In both cases, they were subsequently released, although they were threatened by the security forces, and one of them was severely beaten while in detention. There were no reports in 1988 of such cases coming to trial, although there were unconfirmed reports at year's end that evidence of a conspiracy of opposition activists was being sought or concocted as a basis for judicial action.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is limited to "defending the Socialist order and personal rights, educating citizens to the respect of the law," and applying sanctions to reeducate lawbreakers and prevent further infractions. No court has the authority to review the constitutionality of the laws. Theoretically, judges are independent and subject only to the law. The outcomes of politically sensitive cases, however, appear predetermined and at times contradict evidence offered during the trial.

Most trials are held in public, though secret trials are common where state security is involved and may also be permitted in certain other instances. The law states that a trial may be held in secret if a public trial would be contrary to the interests of the State, Socialist morals, or the dignity of the individual. Some former prisoners have reported they were tried in secret by military courts on essentially political charges. Detailed sentences or records of trials for political crimes are generally not available, even to the accused.

The ability of an accused person to conduct his or her defense effectively can be severely limited, especially in politically sensitive cases. Acquittals in such cases are extremely rare. The law generally requires that a defendant be represented by counsel, although some observers claim that defendants do not always have an opportunity to consult with their attorneys before trial. Although in theory a defendant has the right to choose his or her attorney, this right is severely restricted in practice and the defendant may be assigned a court-appointed attorney. The role of state-appointed attorneys appears to be that of apologizing for defendants' offenses. Privately hired attorneys will often refuse to accept political cases. When defendants pursue their right to appeal, they sometimes receive longer prison terms from the higher courts, thus discouraging defendants from exercising this right.

Many criminal laws are open-ended enough to ensure that persons coming under official scrutiny may be charged with some offense. Examples of typical charges are "defaming the Socialist order" for speaking frankly to a foreigner; "disturbing the peace" or "illegal assembly" for private prayer meetings in the home; "social parasitism" if unemployed but technically guilty of no other offense, and "distributing literature without a license"--a felony--if caught attempting to transport or hand out free Bibles.

In January a broad amnesty was declared on the occasion of President Ceausescu's 70th birthday. Prisoners with sentences of 10 years or less were released; sentences over 10 years were halved, and life sentences were reduced to 20 years. Previous amnesties have not extended to persons convicted of political crimes, but the January amnesty made no distinction between political and nonpolitical crimes. Among the political prisoners released in January were Gheorghe Nastasescu and Ion Bugan, both convicted of political propaganda. There have been no reports of former political prisoners released in January being rearrested and retried. Several cases under investigation at the time of the amnesty, including that of Baptist activist lawyer Nelu Prodan on charges of accepting bribes, were dropped.

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It is impossible to estimate accurately the number of political prisoners. Although many political prisoners were released in the January amnesty, there are estimates that as many as 30 persons remain incarcerated for political crimes. If the estimate includes those with apparent political motivation tried for common crimes and those convicted of attempting to leave the country illegally, the number could be as high as 1,000.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Romanian laws and regulations governing the security apparatus sanction a high degree of interference with the individual and the family. Through intimidation and promises of material advantages, the powerful security apparatus has developed an extensive informer system among the population.

Deliberate and arbitrary interference with privacy, home, and correspondence is a frequent occurrence. Searches are made of private homes, persons, and personal effects without search warrants or probable cause that a crime may have been committed. Militiamen at checkpoints located on roads leading out of cities and at major highway intersections in the countryside randomly stop and search vehicles as a matter of course.

Violation of the privacy of the person also arises from the aggressive and intrusive campaign to promote population growth. Abortion and all forms of birth control are illegal. Pregnancy tests and physical examinations continue to be required of female workers on a regular basis to ensure that pregnancies are discovered and carried to term.

Complaints about interference with both domestic and international correspondence continue. Letters to or from persons of interest to the authorities often never arrive at their destination. On other occasions, people have been questioned about statements made in letters sent abroad but never received by the addressees. The Government has the capability to monitor domestic and international telephone calls and appears to do so regularly.

In 1988 there was considerable concern, both within Romania and internationally, over renewed emphasis on a program of rural and urban redevelopment known as "systematization." The program has been formally under discussion for some time, but according to the newly announced plans, half of the country's 13,000 villages would be eliminated and their inhabitants relocated in larger, redeveloped villages. The Government's stated aim is to equalize rural and urban living standards and to release land for large-scale collective agriculture. Although rural systematization has thus far been implemented only in a few areas near Bucharest, both the villages to be eliminated and the future agroindustrial centers are scattered throughout Romania and are populated by citizens of Romanian, Hungarian, German, Serbian, and other ethnic backgrounds. Village residents affected by systematization have been compelled on short notice to vacate their traditional dwellings, which were subsequently demolished, and relocated in semiurbanized apartment blocks, many of which--at least initially--lacked running water and sanitary facilities. These apartment blocks also offer much reduced opportunity for private gardening and livestock shelter and more difficult access to pasturage.

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Urban systematization has been extensively implemented in Bucharest and provincial cities. Whole neighborhoods have been torn down with a minimum of prior notification to residents and eventually replaced by broad avenues or new apartment blocks. Many historic buildings, including churches, have been destroyed in the process. The Government has stated that no one has been or will be forced from his or her home by systematization and that the program will be implemented gradually. However, criticism has centered on the arbitrary way in which the program has been implemented, as there is no apparent mechanism to bring the population into the planning process or allow persons to appeal the Government's resettlement decisions. In addition, compensation paid by the Government to those relocated as a result of systematization has been, in most cases, inadequate to replace housing and other possessions lost in the move.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are severely restricted. Public expression of viewpoints at variance with official policy is almost always severely punished. While the Constitution provides for freedom of speech and press, it prohibits their use for any purpose "hostile to the Socialist system and the interests of the working people," as defined by the State and party.

Similarly, the penal code prohibits "propaganda with a Fascist (as defined by the State) character delivered in public by any means...or...the undertaking of any action for the changing of the Socialist system...." It also prohibits acts "which would result in a danger to state security." These offenses are punishable by prison terms of up to 15 years. A 1971 law prohibits citizens from giving interviews to foreign press representatives which "defame Socialist reality." A staff writer for the literary journal Luceafarul, Aurel Dragos Munteanu, was fired on November 10 because of his contacts with foreigners and his resignation from the Communist Party. He lost the appeal of his dismissal to the Romanian Writers Union. Three French journalists were expelled from Romania, one in September and two in November, for contacting dissidents.

The Government seeks to control the domestic dissemination of information in a variety of ways. Although official censorship was abolished some years ago, all media are state owned, rigidly controlled, and used primarily as vehicles for government and party propaganda. Government control of all necessary materials, such as newsprint, further limits the ability of the press to act independently. Publications from the West or from other Communist countries are not generally available, although foreign cultural centers and libraries are open to the public and are allowed to distribute limited quantities of Western periodicals with government approval. The unauthorized importation or distribution of foreign publications is forbidden. In 1988 there were frequent reports of confiscations at the border of foreign-source materials, especially religious matter. Tourists from the West regularly reported that customs officials confiscated video and audio cassettes. Romanian libraries carefully control access to "restricted" materials, such as prewar historical texts. For live theater, official boards must approve all new productions before the opening performance. Serial numbers and type-face samples of all typewriters must

be registered with the authorities, and the use of duplicating machines is strictly regulated. Western and Soviet radio broadcasts in the Romanian language are not jammed and are a major source of both foreign and domestic news for the Romanian people.

b. Freedom of Peaceful Assembly and Association

The Government attempts to control all group activity and does not permit organizations independent of government or party influence. "Formation of a group" is a punishable offense applicable to groups as small as three persons. Peaceful assembly and association without permission are usually short-lived and may bring severe penalities to those involved. Citizens are required to obtain permission in advance to attend functions held by non-Romanians. Secret decrees promulgated late in 1985 (never officially published and often not obeyed) further discourage contacts with foreigners and strengthen the requirement that all such contacts be reported to the authorities within 24 hours. In particular, Romanian writers, scientists, and professionals are reportedly forbidden to speak with their foreign counterparts without government permission.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for freedom of conscience, and the penal code prescribes a penalty of up to 6 months' imprisonment or a fine for anyone who impedes or disrupts any recognized religious sect. However, the Communist Party officially promotes atheism, and the Government exercises broad control over religious practice by enforcing legislation on the licensing of clergy; the importation, printing, and distribution of religious materials; the admission of new students to seminaries; and the issuance of church building permits. These powers are often used arbitrarily, especially against groups that arouse official concern. Although many Romanians fear that open exercise of their beliefs inhibits chances of social or professional advancement, the practice of religion remains active throughout the country and at all levels of society.

Government restrictions are applied more severely to groups whose beliefs, in the Government's view, inspire "antisocial" or "antigovernment" behavior. Several of these religious groups, such as the Nazarenes and Jehovah's Witnesses, are not officially recognized by the Romanian authorities. Recognized religions have a state charter and receive certain benefits from the Government. Unrecognized religions receive no state support, and their memebrs risk being prosecuted for holding unauthorized meetings. In 1988 there were no reports of significant restrictions on meetings held by these groups. However, local and national newspapers carried critical articles alleging that, outside Romania, some of these sects are involved in intelligence gathering for foreign intelligence agencies or in drug trafficking.

There are 14 recognized religions, by far the largest being the Romanian Orthodox Church, to which about 80 percent of the population nominally belongs. The Government has taken active measures to suppress a revival movement within the Romanian Orthodox Church known as "the Lord's army." Members of this

movement often meet in small groups for prayer and Bible study, and they report being fined for holding illegal meetings. They also report being subject to other harassment, such as loss of jobs or surveillance.

The Government remains in disagreement on a number of issues with the Roman Catholic Church, most of whose members are ethnic Hungarians. The Church technically remains without a government-approved charter but it enjoys de facto recognition and operates as if it were fully recognized. The Government does not recognize the Uniate Church, also known as the Catholic Church of the Byzantine Rite. This branch of the Catholic Church was outlawed in 1948, and many of its leaders were imprisoned. Despite its unrecognized status, there remain adherents to this faith throughout the country.

The rapid growth of evangelical denominations has led to pressures for more religious training, more printing of religious materials, and the expansion and construction of more churches. Conflicts between evangelical groups and the authorities have arisen frequently, and the Government's response at times has been harsh. Activists who are vocal are kept under surveillance and often are subject to loss of jobs and social benefits, police intimidation or arrest, and, in some cases, beatings.

The January amnesty led to the release of several religious activists. Victor Opris, retried and reimprisoned in 1987 after being released in the 1986 amnesty, was freed in 1988. Bribery charges against Baptist activist lawyer Nelu Prodan, who was arrested and held for 2 weeks in 1987, were dropped under the provisions of the amnesty. However, Prodan and his wife, also a lawyer, were effectively prevented from practicing their profession. Ilie Neamtu, an elder of the Ploiesti Evangelical Brethren Church, who had been waiting several years for passport approval, Elisei Rusu and Cornel Mich, who had served prison terms for distributing Bibles, and the Prodans were among those religious activists who received emigration approval during 1988.

Many religious denominations are able to publish a newspaper or newsletter on a regular basis. They are also permitted from time to time to publish other religious materials, although usually in small quantities. The Orthodox Church was permitted to print several editions of the Bible, including a special edition to commemorate the tricentennial anniversary of the printing of the first Bible in Romania. Negotiations since 1987 between the Government and the Baptist Church for the printing of 5,000 Protestant Bibles have still not been completed. The shortage of religious materials overall has led some Romanians to risk severe penalties for smuggling Bibles and other religious literature. Eight people were reportedly arrested in September for the unauthorized distribution of Bibles.

Religious groups continue to be concerned over the maintenance, repair, and construction of church buildings. Extensive urban renewal projects undertaken in Bucharest and other cities continue to threaten churches of various faiths. The Government has often been slow to approve the purchase or construction of replacement buildings for congregations affected by urban renewal. The Government has not approved any of the sites proposed by the large Seventh-Day Adventist Church in Bucharest to replace the one demolished in August 1986, and the congregation continues to meet in a temporary,

tent-like structure inadequate to its needs. The national headquarters of the Seventh-Day Adventist denomination was demolished during urban renewal efforts in 1988. The denomination was allowed to purchase and renovate a building to replace its offices, and it has purchased a building to replace the seminary which was part of the headquarters complex. The church attached to the demolished headquarters building is also scheduled for demolition, although the authorities have said it will not be destroyed until a replacement is located. A suitable replacement has been located, but the purchase has not been completed.

Any repair or addition to a church building requires a building permit approved by both the local city council and the Government's Department of Religious Affairs. Church members state there are unreasonable delays in obtaining these approvals. A church may be demolished, or the congregation fined large sums, for infractions of the building codes. In past years, churches of various denominations have been demolished or threatened with demolition under these regulations. Demolition of the Pentecostal Church in Bistrita was halted, but approval for its renovation and expansion to accommodate the growing congregation, which has been sought for several years, was not given. The congregation's attempt to undertake an unauthorized renovation was halted by local authorities. For over a year, the congregation has met in its partially demolished building pending action on the church's building permit request. There has been no progress in negotiations for the renovation of the Oradea Second Baptist Church. By the end of 1988, permission to build a new church had not been granted.

Seminary admissions remain extremely limited. In 1988 the Seventh-Day Adventists were allowed only three new students. Admissions for the Baptists and Pentecostals are similarly restricted. In the past, the Seventh-Day Adventists had been permitted an average of 40 per year. The church's current need is estimated at 10 new students per year. Official figures published in 1987 indicate that there were 830 Romanian Orthodox seminarians pursuing 5-year courses at the church's six seminaries at that time. An additional 504 students attended 2-year university-level theological institutues that year.

There is an active Jewish community organization which provides religious education to its members and enjoys relatively unrestricted freedom of emigration. Jewish leaders are able to travel freely outside Romania. Jewish leaders emphasize that, due to the level of emigration to Israel permitted by the Government, their numbers are declining, and they are permitted to maintain enough synagogues to meet their needs.

Leaders of religious denominations generally receive permission to travel abroad on official business without difficulty. Most visitors to Romanian churches were permitted to attend church services and travel around the country without interference. However, Romanian laws restricting contact with foreigners have been interpreted for some denominations as prohibiting foreign visitors from preaching to or addressing congregations in Romania.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Except for certain very limited military or other restricted areas (access prohibited) and border areas (access limited to residents of the areas and those with economic need to travel there), there are no official restrictions placed on travel within Romania. Most foreigners, including Western diplomats, may travel freely but often are kept under surveillance.

The right of a citizen to change his place of residence is restricted (see Section 1.f. concerning involuntary change of residence under "systematization"). All citizens are required to have residence permits and may not legally move from one town to another, or between districts within a city, without official permission. Implementation of residence permit regulations and antiunemployment laws has had the effect of diluting the ethnic mixture of the population in parts of the country with a heavy concentration of ethnic minorities, especially Hungarians. Workers are technically free to change jobs, although antiunemployment laws and governmental controls may limit this freedom in practice.

Travel outside Romania is treated as a privilege, frequently withheld arbitrarily, even for those who can "guarantee" their return by leaving a close family member behind. Employees must generally obtain the approval of their "workers' committee" to apply for tourist passports. Older persons wishing to visit their children residing abroad usually have fewer problems. In 1988 the number of tourist visas issued to Romanians for travel to the United States significantly increased over 1987.

In principle, the Government continues to oppose emigration for any purpose but family reunification and seeks to discourage those wishing to emigrate. The waiting period for Romanian emigration approval is still long. Successful applications generally take between 1 and 5 years, but some have not been approved after even much longer periods. The authorities sometimes refuse arbitrarily to accept emigration applications from some Romanians. Romanians who apply for emigration or who hold emigration approval are frequently harassed and suffer discrimination. Many persons reported losing jobs, housing, and schooling, despite a 1985 understanding between the United States and Romanian Governments designed to reduce these hardships. A Romanian applying for an emigration passport may choose to renounce his or her Romanian citizenship. However, in some cases, passport authorities appear to require such renunciation, while other emigrants retain their Romanian citizenship.

In February Romania renounced most-favored-nation trade status which was tied to Romania's emigration performance by U.S. trade legislation. The Government pledged to continue approving emigration applications for the purpose of family reunification. However, Romanian approvals for emigration in this category were 17 percent lower than in 1987. The Government continued to allow significant numbers of citizens to emigrate to Israel and the Federal Republic of Germany.

A Romanian citizen who emigrates abroad must obtain the approval of his Government before he or she may resume residence in Romania. Such approval is not always granted. Due to the harsh living conditions in Romania and restrictions on emigration, several thousand Romanians each year request

refugee status while abroad or flee illegally to Yugoslavia or Hungary. A growing number of Romanians (estimates range from 13,000-20,000), mainly ethnic Hungarians, sought refuge in Hungary during 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although the Constitution assures the right of Romanians to change their government and leaders, in practice citizens are unable to change the system of government or the political leadership. The Romanian Communist Party, led by the President and a few advisers, rules the country. No actual or potential alternatives to this rigidly centralized control are apparent, and no meaningful opposition exists or would be tolerated. Public criticism of the President, the Government, the party, and the state leadership is rigorously suppressed. Officially, the Communist Party comprises about 16 percent of the total population of the country. Women officially represent 35 percent of the general membership. Minorities are represented in proportion to their numbers within the general population, but less so at the highest levels.

National parliamentary elections by secret ballot are held every 5 years. For about 60 percent of the positions, there are two candidates, both of whom are chosen by the Front for Democracy and Social Unity, a large organization whose president is Nicolae Ceausescu. Over 75 percent of its officers are members of the Communist Party's Central Committee. The Grand National Assembly approves the President's decisions by unanimous vote.

The chief party executive for each city, county, or enterprise is also the chief civil executive. Internal party elections were held for the Communist Party leadership late in 1984. Although these preceded the national general election by several months, those chosen for senior party posts the previous fall were universally "elected" to the corresponding government or enterprise posts the following spring. In November 1987, elections for city councils were held throughout the country; 80 percent of the seats being sought were contested by two or more candidates. Policy differences among the candidates were negligible.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

There are no human rights monitoring organizations operating in Romania. No outside groups have been permitted to visit Romania to investigate alleged violations of human rights. The Government has not commented officially on reports issued by governmental or nongovernmental organizations such as the Council of Europe, AI, or Freedom House, all of which have been harshly critical. Romania continues officially to proclaim that discussion and examination of its human rights situation is "unwarranted interference in domestic affairs," despite its professed support for human rights standards embodied in the United Nations Charter and the Final Act of the Conference on Security and Cooperation in Europe. Human rights issues were discussed in 1988 in diplomatic exchanges between the U.S. and Romanian Governments. In December four representatives from the International Society for Human Rights were expelled from Romania less than 24 hours after

entering the country. The Government claimed the group's activities were not consistent with their tourist visa status.

In 1988 the Romanian Government continued to prevent a Romanian citizen, Dumitru Mazilu, from carrying out his responsibilities as special rapporteur to the United Nations Human Rights Commission, a position to which he had been named in 1985. Romanian representatives stated Mazilu was too ill to prepare his report; Mazilu wrote U.N. officials that it was only the actions of his Government that impeded him. Mazilu has been cut off from all contact with the United Nations. In early 1988, Liviu Bota was permitted to travel to Geneva and resumed his duties as a U.N. civil servant. The Romanian Government had prevented him from doing so since 1985.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

According to official figures, about 12 percent (2.7 million) of Romania's 23 million citizens are members of ethnic minorities, including Hungarians, Germans, Gypsies, and many smaller groups. According to the Government, ethnic Hungarians make up the largest group with some 1.7 million members. The Government takes its figures from a 1977 census based on self-declaration. Some Hungarian sources claim the true figure for the ethnic Hungarian population is over 2 million.

Most minority groups are concentrated in Transylvania, the central and northwestern part of Romania. In recent years, opportunities for minorities to have periodicals, theaters, and schools in their native language have been eroded. The ability of members of minority groups to visit friends and relatives in neighboring countries is limited, as it is for all citizens. Minority groups protest that government controls and restrictions constitute discrimination. Many observers contend that the Government is pursuing a program of "Romanianization" in order gradually to absorb the minority groups into a unified Romanian culture. The Government denies discriminating against minority cultures.

There are no longer any television or radio broadcasts in the Hungarian language. Most Hungarian-language theaters now have a Romanian-language section. Hungarian- and German-language newspapers continue to be printed. In the field of education, primary schooling remains available in Hungarian, German, and even in the native language of tiny minorities such as Czechs in western Romania, although opportunities are shrinking. The number of ethnic Hungarian children being educated in Hungarian has declined significantly. Several German-language high schools still operate, although they face declining enrollment of native German speakers because of emigration. Hungarian-language sections in high schools have reportedly replaced what were formerly entirely Hungarian-language high schools. Except in a few faculties, students can no longer take university entrance examinations in minority languages, and opportunities for university study in Hungarian have also decreased. Babes-Bolyai University in Cluj, formerly a Hungarian-language institution, has increased its intake of ethnic Romanian students over the years and made Romanian the language of instruction in most subjects. Some ethnic Hungarians claim that the decision of the Romanian Government to close the Hungarian consulate in Cluj in June 1988 deprived them of an important resource for maintaining their separate cultural identity.

Ethnic Hungarians point to other government policies they believe are designed to erode their cultural identity. Numerous persons report that they are no longer permitted to register the birth of their children using Hungarian first names which have no Romanian equivalents. All publications, including those in the languages of minority groups, must use the Romanian place names, not their Hungarian or German equivalent. Members of the Hungarian minority claim that the Government uses its controls over residence permits, employment, and study opportunities to dilute the concentration of the Hungarian population in its traditional centers. The Government maintains that demographic changes in Transylvania are natural and result in part from increased industrialization which has drawn ethnic Romanian workers into urban areas formerly inhabited predominantly by ethnic Hungarians. Economic conditions for all ethnic groups in Romania are difficult, and conditions for Hungarians do not appear worse than for ethnic Romanians. Although it does appear that ethnic Hungarians are often given jobs in non-Hungarian-speaking areas, allegations that the Government pursues a conscious policy of job discrimination are difficult to substantiate.

Women are constitutionally accorded the same rights and privileges as men. The Government seeks to upgrade the role of women in society with specific policies in the areas of education, access to employment, and comparable wages. As a result, women are employed in virtually all sectors of the economy, and there is equal opportunity in education, but at the senior levels of responsibility and authority, they appear in far smaller numbers. The higher ranks of the party are occupied predominantly by male Romanians.

Section 6 Worker Rights

a. The Right of Association

According to the labor code, the primary function of the trade unions is to "mobilize the masses for the fulfillment of the Communist Party's program." Trade unions independent of the party are prohibited, and workers do not have the right to form their own associations, elect representatives, or affiliate with international organizations except through the official unions. The official trade unions, grouped in the General Confederation of Romanian Trade Unions (UGSR), receive all necessary government support for their activities. Membership in the official trade unions is compulsory to the extent that all workers are required to pay monthly dues. More extensive participation does not appear to be enforced, and there does not appear to be discrimination against those who do not participate beyond paying monthly dues. Attempts to form independent groups or unions are quickly and powerfully suppressed. The UGSR is affiliated with the Soviet-controlled World Federation of Trade Unions.

Romania's labor code is silent on the right to strike, except to elaborate procedures by which the union leadership is required to mediate disputes between the workers and management, with recourse to the courts when the dispute cannot be settled. In practice, sanctions available to the party and the union make it unlikely that such disputes will reach the courts. Workers who have been dismissed from their jobs may sometimes take their case to civil court. In the past, the Government's reaction to actual strikes, or to advocacy of the worker's right to strike, has been harsh

repression. Brutal suppression of the miners' strikes in the late 1970's led to an investigation by the International Labor Organization (ILO). Inadequate responses, failure to respond further to charges, and refusal to accept a direct-contact mission led the ILO to find Romania substantially in violation of generally accepted labor standards.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize or bargain collectively. While they nominally have a direct voice in the management of the workplace through the unions that all must join, in most factories the union's chief executive is also the senior party official, and a primary function of the unions is to channel party doctrine and directives to the workers. Unions also dispense social benefits, such as vacations at union-owned hotels (for which the member pays only a fraction of the real cost), low-interest loans, and access to cultural, educational, and other leisure activities.

c. Prohibition of Forced or Compulsory Labor

The labor code stipulates that each citizen over the age of 16 has the right and the duty to work. Unemployment is a crime ("social parasitism"). With certain exceptions, such as housewives, full-time students, and private farmers, any unemployed able-bodied citizen must report to a government employment bureau for job placement. A 1976 law states that persons who refuse to take up gainful employment may be fined or assigned to positions in the construction, agricultural, or other sectors of the economy where they are required to complete 1 year of service. Since 1985 the committee of experts of the ILO has observed that these provisions of Romanian law appear to constitute forced labor in that they are an obligation to work under the menace of penalties. In the 1988 ILO Conference Committee on the Application of Conventions and Recommendations, the Romanian Government took the position that these laws served to encourage able-bodied citizens to contribute productively to society and that the sanctions provided for by law had never been applied. However, persons are frequently convicted for "social parasitism" under a 1968 law which provides imprisonment as a sanction for persons not gainfully employed. Some observers allege that the Government assigns persons to particularly dangerous or unpleasant jobs in a punitive or discriminatory manner.

d. Minimum Age for Employment of Children

There is no specific minimum employment age, although Romanian law requires schooling to age 16. According to the employment code, children over 16 not enrolled in full-time schooling are expected to work. Youths 14 years of age may be employed in temporary jobs, and youths of 15 may be employed in industrial work, so long as the employer provides continuing educational opportunities and shows that the work being performed is "appropriate for the age and condition" of the employee. In such cases, the law limits work to 6 hours per day. Children from age 11 may work in the fields or in other "patriotic work," usually as part of a school or other group activity.

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e. Acceptable Conditions of Work

The Constitution provides for an 8-hour workday (or a 6-hour day for arduous occupations), a 24-hour rest period each week, paid vacations, and the "right to leisure." Labor law elaborates these promises but allows employers to override them "if conditions warrant." In 1988 there were widespread reports of workers required to perform extra, uncompensated labor to make up for lagging production or for official holidays. The institution of unrealistic production and sales quotas and penalties in the form of salary deductions for failure to meet them has increased worker dissatisfaction. Workers reported that wages and salaries were cut even though production shortfalls were often due to the lack of raw materials or insufficient electrical energy. No mechanism exists by which the workers can protest such arbitrary reductions in pay. Worker demonstrations in Brasov in November 1987 to protest pay cuts and poor living conditions were swiftly suppressed.

In 1988 wage increases were approved for all workers starting with those at the lowest end of the wage scale. Even before considering deductions generally imposed for production shortfalls, the increases will probably not keep pace with inflation. The new monthly minimum wage is equivalent to $220 at the official exchange rate. As a result of the Government's drastic austerity program, chronic shortages of foodstuffs and energy make it difficult to maintain an adequate standard of living at average wage levels.

The labor code theoretically ensures Romanian workers a safe environment. The Ministry of Labor has established safety standards for most industries and is responsible for enforcing these standards. In practice, however, observers report that conditions in many factories present substantial health and safety hazards. Although management is reportedly aware of these deficiencies in most cases, government emphasis on meeting production goals takes precedence over safety and health factors in light of the party leadership's insistence on rapidly paying off the foreign debt and on pursuing industrial and economic development at all cost. A government-run institute devoted to worker safety and health has existed since 1968. It is relatively small and does not appear capable of challenging unrealistic government production targets or eliminating hazardous working conditions, but it does ameliorate extreme conditions in some factories (workers receive supplementary benefits in some hazardous occupations). In 1988 Romania announced to the ILO that it would provide a report in accordance with Convention No. 81 on Labor Inspection. Since ratifying the Convention in 1973, Romania had not sent a single inspection report to the ILO.

SPAIN

Spain is a parliamentary democracy with a constitutional monarch. The fundamental rights of speech, assembly, press, religion, movement, and participation in the political process are guaranteed in the Constitution of 1978. These rights extend to all and are respected in practice. At all levels of government, elections must be held every 4 years. Voter participation is high in these free and open elections.

The Spanish economy is mixed, with primary reliance on private initiative and market mechanisms. Although the economy is healthy, Spain continues to experience high unemployment. This is due in part to the entry of new workers into the labor force. Women and youth are disproportionately affected by the high level of unemployment.

Human rights enjoy great respect in Spain. Charges of abuse of human rights most often occur in connection with political terrorism. A provision of the former antiterrorist law for 10 days' incommunicado detentior was found unconstitutional in 1988. As a result, the amended penal code now provides for up to 5 days' incommunicado detention without a hearing in the case of suspected terrorists.

In 1988 the Government continued to prosecute cases of alleged police abuse of detainees dating from prior years. Three police officers were sentenced to 29 years in prison for their role in the 1983 disappearance and presumed death of a prisoner. In November 1988, Spain signed the European Convention Against Torture and Inhuman or Degrading Punishment or Treatment.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were approximately 160 terrorist-related incidents in Spain from January through September 1988 in which 11 people were killed and 28 injured. All the deaths and most of the injuries occurred during actions claimed by or attributable to the Basque separatist group ETA (Basque Fatherland and Freedom). Two of the dead were civil guards; four were national police; and one an elderly retired army general who was shot dead as he left church in March. Not included in these statistics is the December 1987 bombing by ETA of a civil guard barracks in Zaragoza which killed 11 people, including 5 children, 2 adult dependents, and 4 civil guards.

The Government has held intermittent talks with ETA in Algeria during the past 2 years in an attempt to end the violence. It broke off the talks in February after the ETA's kidnaping of a prominent Madrid businessman. After the businessman's release in late 1988, ETA issued a call for a truce and negotiations with the Government but its attacks continued. The Government has publicly stated that there will be no more contacts as long as ETA continues to carry out terrorist acts. Since 1987 there has been close and effective cooperation between the Spanish and French Governments in the fight against ETA terrorism.

SPAIN

Two ranking police officers are in prison awaiting trial on charges they organized a secret antiterrorist assassination band, Antiterrorist Liberation Group (GAL), which took credit for the killings of alleged Spanish Basque terrorists in southern France from 1983 to 1986. The Spanish Prime Minister publicly and firmly denied allegations that the Government had been aware of or condoned GAL activities.

b. Disappearance

Kidnapings for ransom are occasionally carried out by ETA. There are no claims that police or government security forces carried out secret arrests or kidnapings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are no documented instances of police abuse during 1988, although ETA detainees routinely charge that they are abused during detention. An improved police attitude with respect to human rights over the past several years may be attributed to the willingness of the Government to punish improper police behavior, publicity in the press, and concern by the police unions themselves with denunciations of police misconduct.

d. Arbitrary Arrest, Detention, or Exile

Under the Constitution, a person is free from arbitrary arrest and detention, and normally a suspect may not be held more than 72 hours without a hearing. The penal code, as reformed in 1988, permits a suspected terrorist to be held an additional 2 days without a hearing. Several sections of the former antiterrorist law, including the provision permitting up to 10 days' detention without a hearing for a suspected terrorist, were struck down as unconstitutional by the Spanish courts in 1987. The antiterrorist law was repealed by Parliament in 1988.

During 1988 three police inspectors were convicted and sentenced to 29 years in prison on charges related to the illegal arrest, disappearance, and presumed death of a petty criminal in 1983. Four other police officers were acquitted in the case. The victim allegedly had been aware of police involvement in criminal activity.

Exile is not practiced in Spain. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary and guarantees the right to a fair public trial. This right is observed in practice. The law provides for an expeditious judicial hearing following arrest. Defendants may always appeal to the next highest court, and up to the Council of Europe in cases concerning human rights.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution protects the privacy of home and correspondence. Under the criminal code, government authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. The present antiterrorist law gives

discretionary authority to the Minister of Interior to act prior to obtaining court approval "in cases of emergency." There have been no complaints that the Minister has abused this authority.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government scrupulously observes the guarantees of free speech and press provided for in the Constitution. Opposition viewpoints are freely expressed in speech and through the media. However, at the end of 1987, the Supreme Court upheld a 6-year prison sentence for a Spanish journalist who was found guilty of violating a law which prohibits insulting the dignity of the King.

b. Freedom of Peaceful Assembly and Association

As provided in the Constitution, all groups have the right of free assembly and association for political or other purposes. This right is fully respected and freely practiced.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

There is no state religion in Spain. Catholicism is the predominant religion, but other religions are represented and function with full freedom. Adherence to a particular faith neither enhances nor diminishes a person's secular status.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Spanish citizens have complete freedom to travel in and outside the country. The Government restricts neither emigration nor repatriation.

The Law on Aliens permits detention of a person for up to 40 days prior to expulsion, but specifies that the detention may not take place in a prison-like setting. A new detention center manned by the Red Cross opened in 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Spain is a multiparty democracy with open elections in which all citizens over the age of 18 have the right to vote. Opposition groups exist openly and take an active part in the political process.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government maintains good relations with international human rights groups, such as Amnesty International and the International Committee of the Red Cross, as well as with national groups, such as the Spanish Human Rights Association. The Foreign Ministry, through an office of human rights affairs, takes an active interest in human rights issues internationally.

SPAIN

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Spain's Constitution provides for equal rights for all citizens. Education and economic and social services are generally available to all without discrimination of any kind. The Constitution promises equal rights to women, and the Government is dedicated to eliminating discrimination against women wherever it occurs. The Women's Institute, a government agency under the Ministry of Culture, is active in promoting social equality, women's mobility, and the participation of women in political, cultural, economic, and social life. Women comprise about 6.5 percent of the Congress of Deputies and 5.5 percent of the Senate. While they represent 31.2 percent of the total paid labor force, the rate of unemployment is higher among women (28 percent) than men (15.6 percent).

Gypsies are a minority group representing 3 percent of the Spanish population. Despite their constitutional rights, they suffer discrimination in housing, schools, and jobs. Legal mechanisms exist by which they can seek redress, for example, from discrimination by an employer. As a practical matter, however, Gypsies do not normally seek such redress. The Government is committed to securing equal rights and treatment for Gypsies. A representative of the Gypsy community serves as special advisor to the Minister of Interior.

Section 6 Worker Rights

a. The Right of Association

Under the Constitution, trade unions are free to choose their own representatives, determine their own policies, represent their members' interests, and strike. They are not restricted or harassed by the Government and freely maintain ties with recognized international organizations. About 10 percent of the Spanish work force is unionized.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively was established by the Workers Statute of 1980. Trade union and collective bargaining rights were extended to all workers in the public sector, except the military, in 1986. The first civil service trade union representation elections took place during the last quarter of 1987. Collective bargaining is used extensively in both the private and public sectors. Labor relations in free trade zones and export processing zones are regulated in the same manner as in the rest of the country. There are no restrictions on the right to organize or on collective bargaining in such areas.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is outlawed in Spain and is not practiced.

d. Minimum Age for Employment of Children

The legal minimum age of employment as established by the Workers Statute is 16 years. The Ministry of Labor and Social Security is primarily responsible for enforcement. The minimum age is effectively enforced in major industries and the service sector. It is more difficult to control on small

farms and in family-owned businesses. The Workers Statute also prohibits the employment of persons under 18 years of age at night, during overtime, or in sectors considered hazardous by the Ministry of Labor and the unions.

e. Acceptable Conditions of Work

Workers in general have substantial, well-defined rights. A 40-hour workweek is established by law. Spanish workers enjoy 12 paid holidays a year and a month's paid vacation. The legal minimum wage is $12.60 per day or $380 per month for workers over 18. For 17-year-olds, the minimum stands at $7.70 per day or $233 per month. For 16-year-olds, it is $4.80 per day or $146.50 per month. The minimum wage is revised every year in accordance with the consumer price index. It is considered to offer a decent standard of living for a single person without dependents.

Government mechanisms exist for enforcing working conditions and occupational safety and health conditions, but bureaucratic procedures are cumbersome and inefficient.

SWEDEN

Sweden is a constitutional monarchy, whose King is Chief of State. All executive authority is vested in the Cabinet, which is formed through direct parliamentary elections every 3 years and consists of the Prime Minister (head of government) and some 20 ministers. The 349 seats in the unicameral Parliament are divided proportionally among the 6 political parties currently represented. The Social Democratic Party, Sweden's largest, retained power in the September elections. For the first time in 70 years, a new party, the Greens, secured enough votes to be represented in Parliament.

Sweden is an advanced industrial democracy with a high standard of living, extensive social services, and a mixed economy. Over 90 percent of business is privately owned.

Private persons are entirely free to express their political preferences, pursue individual interests, and seek legal resolution of disputes. Ombudsmen, appointed by the Parliament with full autonomy, investigate private complaints of alleged abuse of authority by officials and stipulate corrective action, if required.

Respect for human rights is a basic social value that underlies Sweden's active support of international efforts to improve human rights observance. The human rights situation was largely unchanged in 1988, but some human rights organizations, such as the Swedish section of Amnesty International, complained about human rights violations, particularly with reference to refugees seeking asylum who were rejected at the border. The number of refugee children arriving alone in Sweden has increased, and there were complaints that the children are not resettled with families quickly enough, but instead are housed together in camps until their residence permits are issued. There have also been complaints about the treatment of individual Kurds in connection with the continuing search for the murderer of former Prime Minister Olof Palme.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Killing for political motives by the Government or domestic opposition groups does not occur. The murder of Prime Minister Olof Palme in 1986 has still not been resolved, however, and the motive for his assassination is still unknown.

b. Disappearance

Abduction, secret arrests, and clandestine detention by Swedish authorities do not occur.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Swedish law prohibits these abuses, and such prohibitions are respected by Swedish authorities. Occasional accusations against individual policemen of excessive use of force in

connection with arrests are carefully investigated and have not produced evidence of a systematic problem. During 1988 there were two instances when temporarily detained persons died in police custody. So far, however, no proof has been presented that the deaths were caused by the police's employment of excessive force.

d. Arbitrary Arrest, Detention, or Exile

Statutory guarantees of individual liberty are observed. Persons disturbing the public order or considered dangerous may be held for 6 hours without charge. Criminal suspects may be held no longer than 12 hours without formal charges. If a person files for bankruptcy and refuses to cooperate with the official investigation, a court may order detention for up to 3 months (with judicial review every 2 weeks). Arrest is open and by warrant. New legislation took effect on July 1 to shorten the time between detention and arrest, which previously was set at 5 days. The time frame is now generally 48 hours, and weekend and holiday courts have been set up. In extraordinarily difficult cases, the time between arrest and first court hearing may be extended to 96 hours. Bail does not exist, but suspects not considered dangerous or likely to destroy evidence are released to await trial. By law, Swedish citizens cannot be expelled from the country. Convicted foreign criminals are often expelled at the conclusion of their prison terms, unless they are likely to face execution or other severe punishment at home.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution forbids deprivation of liberty without public trial by a court of law. The judiciary functions freely and independently. The accused has the right to effective counsel, although budget cutbacks since 1983 have restricted the availability of public defenders to cases where the maximum penalty could be a prison sentence of 6 months or more.

There are no military courts in peacetime.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from these offenses is guaranteed by law. Home searches are limited to investigations of crimes punishable by at least 2 years' imprisonment, such as murder, robbery, rape, arson, sabotage, counterfeiting, and treason. There are no undue restrictions on marriage or having children in Sweden.

Wiretaps are permitted only in cases involving narcotics or national security. Searches and wiretaps normally require court approval. When the time factor is critical, or when life is believed to be in immediate danger, the ranking police officer can approve these measures. Limitations on such police decisions were introduced during 1988. Search warrants are granted only on the basis of well-founded suspicion.

Human rights groups in Sweden have expressed concern about the increased number of wiretaps. In 1980 the number of persons subjected to wiretapping was 220; in 1984 the figure had increased to 414. Not counting wiretaps in connection with the Palme murder investigation, the number dropped to 213 in 1986. There is no indication that telephone monitoring is

done arbitrarily. A major political scandal developed, and the Minister of Justice was forced to resign, when a police officer connected with the Palme murder investigation was caught attempting to smuggle into the country advanced, illegal bugging devices apparently intended for use in a separate investigation of the Palme killing which did not have full government approval.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Swedes enjoy these freedoms fully. Government subsidies to daily newspapers, regardless of political affiliation, assure the expression of differing opinions. Publications containing sensitive national security information as well as excessive violence in films and television are subject to censorship. Commercial video tapes are also screened and banned if they contain scenes of unacceptable violence. Radio and television broadcasting are a government monopoly, while newspapers and periodicals are for the most part privately owned and published.

b. Freedom of Peaceful Assembly and Association

Swedes exercise these freedoms without restraint. Public demonstrations require a police permit, for which applications are routinely approved. Only one demonstration was denied during 1988 when conflicting Iranian groups wanted to demonstrate at the same time in the same place.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Swedes have unimpaired religious freedom. There is a state Lutheran church, supported by public funds, but all faiths are freely observed. Parents have full freedom to teach their children religious practices of their choice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and from the country and voluntary repatriation are guaranteed by law and respected in practice. Refugees, displaced persons, and others seeking political asylum are on the whole generously treated, though long waiting periods and denial of asylum requests from applicants not meeting internationally agreed criteria have become common. Freedom of movement has been restricted for certain Kurds, who were to be expelled after serving prison terms; it was legally impossible to do so, however, because they faced execution in their home country. Swedish authorities have classified these Kurds as terrorists and restricted their movements to their respective communities of residence.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Sweden has a long history of vigorous democratic political life within a representative, multiparty parliamentary system. To enter Parliament, a party must win a minimum of 4 percent of the votes cast. There is universal suffrage above the age of 18. Although voting is not compulsory, approximately 85 percent of eligible voters participated in

the 1988 elections. Aliens who have been legal residents for at least 3 years have the right to vote and run for office in municipal elections. There has been periodic public discussion about extending this right to national elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Ombudsmen serve as official governmental monitors of individual rights in Sweden, effective both in making citizens aware of their rights and publicizing and correcting abuses of state authority. Active private organizations monitor issues such as the impact on individuals of comprehensive social legislation and the condition of the native Lapp population. Government agencies are in close contact with Amnesty International, the Red Cross, church organizations, and a variety of other private groups working in Sweden and abroad to improve human rights observance. State-supported Stockholm University offers instruction in making human rights complaints to bodies such as the European Commission on Human Rights.

In October 1985, the United Nations Human Rights Commission carried out a study on Sweden. The Commission commented upon the fact that Sweden lacks forceful legislation against racism. Sweden's answer was that such legislation would not be compatible with the Swedish Constitution, which guarantees full freedom of speech and the right to form organizations. However, a government commission was set up to study methods of stopping racist groups.

In 1988 the European Commission for Human Rights criticized Sweden for a violation of human rights. The case involved a couple whose children had been taken away from them by the authorities since they were deemed unfit parents. The children had been placed in homes far away from their parents in order to prevent future contact. The authorities paid monetary compensation to the parents and allowed reunification of the family, after it appeared that the family's problems had been satisfactorily resolved.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Basic human needs for the entire population are thoroughly met without discrimination. The State provides social welfare and medical services, benefits to families, pensions, and disability and unemployment insurance. The Government runs special programs to help immigrants adjust to Swedish life and culture (including 240 hours of paid language instruction).

Six of Sweden's 284 municipalities have refused to permit refugees to settle in them. Both the Government and the political parties have tried to persuade these communities to change their attitude. In a local referendum in September on whether or not to allow refugees to settle there, one municipality voted by 70 percent to exclude refugees. The mayor of that municipality faces exclusion from his party, the Center Party. But studies show that a majority of the Swedes have a positive attitude towards refugees.

The Government supports groups working against racism. Swedish schools seek to provide education and information designed to counter racist tendencies. In 1986 the Government

appointed a special ombudsman to deal with complaints of racism or discrimination. Civil and criminal complaints of racism or discrimination have increased.

Institutionalized efforts to extend equality between the sexes have continued. A new law adopted in 1988 aims at promoting equality in five areas: in the labor market, in education, within families, women's role in the economy, and women's influence in society. A public ombudsman, called the equality ombudsman, investigates complaints of sex discrimination in the labor market. Employers are required to base hiring decisions on merit and to pursue actively the goal of equality.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to associate freely and to strike. A large majority of the working population, including career military personnel and civilian government officials, belongs to trade unions. Unions conduct their activities with complete independence from the Government and may freely affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

Workers are free to organize and bargain collectively. This right is applied and practiced uniformly throughout Sweden.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor does not exist in Sweden.

d. Minimum Age of Employment of Children

In Sweden, compulsory education ends at age 16, and full-time employment is normally permitted at this age under supervision of local municipal or community authorities. Young people under 18 years old may work only during daytime and under a foreman's supervision. During the summer and in vacation periods, children as young as 13 years of age may be hired for part-time work or light "summer jobs" for periods of 5 days or less, although it is rare for young people under 15 years of age to find a job except with family members.

e. Acceptable Conditions of Work

Although there is no minimum wage law, wages are set by collective bargaining contracts. Wage rates typically are observed even at nonunion establishments. Even the lowest paid workers are able to maintain a decent standard of living. A designated and trained trade union steward monitors observance of the regulations governing working conditions.

Occupational health and safety rules are closely observed. Safety ombudsmen and safety committees are required by law in large enterprises. Safety ombudsmen have the authority to stop immediately life-threatening activity and call for a labor inspector. The Swedish courts have upheld this authority. The Swedish authorities are in the process of compiling a list of the 400,000 most dangerous jobs that cause long-term health problems, and trying to find ways to improve the situation for those employees.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. Federal legislative power is vested in a bicameral legislature. The Constitution ensures all basic freedoms. Initiative and referendum procedures provide avenues for significant changes in policy through direct action. Given its linguistic and religious diversity, Switzerland has developed a political system based on considerable autonomy for individual cantons and on local and national political consensus.

Switzerland has a mature free enterprise industrial and service economy highly dependent on international trade. There has been virtually full employment, and labor peace, for many years. The standard of living is very high, and there is little poverty. While not prepared to accept the limitations on its international relations and internal constitutional practices that European Economic Community (EEC) membership would entail, Switzerland seeks harmonious and close relations with the EEC in the framework of a general policy of international free trade.

There were no domestic human rights problems of any significance during 1988. Switzerland traditionally serves as host for many international organizations and conferences concerned with humanitarian law and human rights, including the International Labor Organization and the International Committee of the Red Cross (ICRC), which is staffed by Swiss nationals.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no political killings.

b. Disappearance

There were no reports of abductions, secret arrests, or clandestine detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides freedom from all of the above; there were no allegations of any violations. In November 1987, Switzerland signed the European Convention Against Torture; the Federal Council in 1988 recommended ratification by Parliament, and no objection is anticipated.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest, detention, or exile is provided by law. A detained person may not be held longer than 24 hours without a warrant of arrest issued by the magistrate conducting the preliminary investigation. A suspect must immediately be shown the warrant and has the right to contact legal counsel as soon as a warrant is issued. A suspect may be detained with a warrant until an investigation is completed, but the length of investigative detention is always reviewed by higher judicial authority, and investigations are

typically completed quickly. Bail, or release on personal recognizance, is granted unless the examining magistrate believes the person is a danger to society or will not appear for trial. There is no summary exile, nor is exile used as a means of political control, although non-Swiss convicted of crimes may receive sentences which include denial of reentry for a specified period following completion of a prison sentence.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Constitution provides for public trials. All courts of first instance are cantonal courts, with right of appeal to the Federal courts and freedom from interference by other branches of government. Minor cases are tried by a single judge, difficult cases by a panel of judges, and murder or other serious crimes by a public jury. Even the most serious cases are usually brought to trial within a few months. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There were no allegations of violations of this nature by Swiss authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. The only limitation on freedom of speech or press would involve groups or associations determined to be a potential threat to the State; no groups or associations are so designated at the present time. Broadcast media are government funded but possess editorial autonomy, and foreign broadcast media are freely available. Press and publishing are private enterprises operated without government intervention. Academic freedom is unimpaired by any official restrictions.

b. Freedom of Peaceful Assembly and Association

The only restriction on peaceful assembly and association is a requirement to obtain permits from police authorities before holding public meetings. These are rarely refused unless authorities have reason to believe the meeting will lead to violence. There was continuing critical discussion in public, including an adverse report of a parliamentary inquiry, concerning an incident in 1987 when an antinuclear demonstration in Bern became violent and resulted in the widespread use of tear gas, clashes between police and demonstrators, and property damage in downtown Bern. Police response to demonstrations during 1988 was much more restrained and engendered no similar criticism.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Switzerland enjoys religious freedom. The legal requirement for universal male military service thus far provides no exemption for conscientious objectors. They may apply for military service which does not entail bearing arms, but refusal to serve has in the past nearly always led to conviction. Efforts continued during 1988 to develop alternative service for those claiming exemption for reasons of conscience. Amnesty International has expressed concern at the practice of prosecuting conscientious objectors.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swiss citizens have freedom to travel in or outside the country and can emigrate without difficulty. Switzerland was traditionally a haven for refugees, but concern over demands upon public services by growing numbers of asylum seekers has tempered public support for liberal asylum. Laws approved in 1987 and implemented in 1988 were intended to improve procedures for processing asylum requests and expediting the departure of unsuccessful applicants. However, flows of asylum seekers who are economic migrants, in particular large numbers of Turks in 1988, have continued to make these government efforts difficult. Once they gain entrance, refugees are treated well pending disposition of their applications for asylum and permanent residence. Occasionally, immigrants attempting to enter illegally were intercepted at the Swiss borders and sent back to countries they passed through (especially Turks seeking to enter via Italy).

The Swiss public generally remains willing to assist political refugees. Federal and cantonal actions reflect a popular consensus that Switzerland should continue to adhere to a narrow definition of the eligibility criteria for asylum, and that the Government should maintain its efforts to limit the influx of foreigners. The issue was not the subject of significant political debate in Switzerland during 1988.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Switzerland is a highly developed constitutional democracy. There is universal adult suffrage by secret ballot in Federal elections. Elections are free and contested actively by four major national parties and at least a dozen significant regional or minor parties. Initiative and referendum procedures provide unusually intense popular oversight of, and involvement in, the legislative process. Participation by women in politics historically has been limited but continues to expand slowly. Thirty-three of 246 members of the Federal Assembly (parliament) are women, and since 1984 a woman has served on the 7-member Federal Council, the nation's executive body. One of the smallest and most rural of the 26 cantons still excludes female suffrage at the cantonal level.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Switzerland cooperates with international and nongovernmental groups in all areas of human rights. The ICRC is made up of Swiss nationals, and Swiss play prominent roles in other humanitarian nongovernmental organizations. Local chapters of

SWITZERLAND

Amnesty International and other human rights advocacy groups are active but concern themselves almost exclusively with lobbying the Swiss and other governments about human rights situations in other countries. During 1988 the European Court of Human Rights found against Switzerland in a case of a complaint by a woman who alleged that her legal rights had been violated by an investigating magistrate.

Section 5 Discrimination Based On Race, Sex, Religion, Language, or Social Status

Participation by women in the business world has been limited historically but continues to expand slowly. Women are still subject to a diminishing number of legal disabilities, but discrimination is typically social, not legal. Women are often paid less than men for equal work and remain underrepresented in senior positions in industry, banking, and trade.

Italian and Romansch linguistic minorities (respectively about 10 and 1 percent of the population) express concern that the limited resources made available to them by the Federal Government endanger the continued intellectual vitality of these languages. Some argue that this amounts to deprivation of freedom of speech. The Federal Government's announced policy is to ensure, through careful apportionment of funds, that all linguistic groups have commensurate facilities and means to carry out cultural activities in their own languages. Employment opportunities and residence permits are limited for foreigners; some assert that this reflects racial prejudice and discrimination, but these limitations apply to all non-Swiss. There is no discrimination on religious grounds.

Section 6 Worker Rights

a. The Right of Association

Workers have freedom to associate freely, to join unions of their choice, and to select their own representatives. Unions are free to publicize views and determine their own programs and policies to represent member interests without government interference. The right to strike is legally unfettered, but a unique labor peace agreement between unions and employers has provided a nearly strike-free environment for over 50 years.

b. The Right to Organize and Bargain Collectively

Swiss law provides workers the right to organize and bargain collectively and protects workers from acts of antiunion discrimination. The industrial sector is generally unionized; in the service sector, union membership is less general. The Government encourages voluntary negotiations between employer and worker organizations, although for the most part employers and workers alike (in common with most Swiss institutions) seek successfully to exclude the Government from involving itself in their affairs. Labor law and practice are uniformly applied throughout the country.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor.

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d. Mimimum Age for Employment of Children

The minimum age for employment of children is 15 years. Children over 13 may be employed in light duties (e.g., helping in retail stores) for not more than 9 hours a week during the school year and 15 hours otherwise. Employment between ages 15 and 20 is strictly regulated; for example, youths may not work at night, on Sundays, or under hazardous or dangerous conditions. These laws are observed in practice.

e. Acceptable Conditions of Work

There is no national minimum wage. Employer associations and unions negotiate industrial wages during the collective bargaining process. The Labor Act established a maximum 45-hour workweek for blue- and white-collar workers in industry, offices, and retail trades, and a 50-hour workweek for all other workers. The workweek for blue-collar workers in most industries is 43 hours and for white-collar workers 40 to 43 hours. Overtime is limited by law to 120 hours annually. The economy is normally at or near full employment. The conjunction of wage rates and hours worked results in enough income to provide Swiss workers and their families with a standard of living among the highest in the world. There is little poverty except in unusual situations such as those of certain foreign residents. The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. Special provisions exist for female workers, who may not be employed for dangerous work or, in industrial enterprises, at night or on Sundays. There were no allegations of worker rights abuses from any domestic or foreign source.

TURKEY

Turkey, a functioning democracy, is a republic with a multiparty parliamentary system and a relatively strong presidency. Prime Minister Turgut Ozal's right-of-center Motherland Party won a 5-year mandate in national elections held in late 1987.

The Turkish National Police in the cities and the Jandarma in the countryside are responsible for maintaining public order. In 1987 the Government lifted martial law in the last five provinces where it had been in effect. A legal "state of emergency" continues to exist in eight provinces in the southeast, where the Turkish Government is combating armed Kurdish separatists. The state of emergency allows the civilian governors to exercise some martial law powers.

The Government has liberalized the economy in recent years and given it a strong free market, export orientation. The economy is rapidly expanding, and the gross national product in 1988 grew at a rate of between 7 and 8 percent. Unemployment and inflation, however, remain serious problems.

Turkey continued to make progress in the observance of human rights in 1988. In January Turkey became the first country to ratify the Council of Europe Convention for the Prevention of Torture. In August 1988, it ratified a similar U.N. convention. By becoming party to these conventions, Turkey for the first time accepted the role of outside observers in investigating allegations of torture in Turkey and monitoring Turkish places of detention.

There were fewer allegations of torture in 1988 than in preceding years. Nevertheless, some charges of torture persisted and were reported in the press. The existence of a legal framework that allows lengthy incommunicado pretrial detention creates both an opportunity for abuse and makes it difficult to prove or disprove charges of mistreatment and torture that do emerge.

Turkish law limits the extent to which minorities can express distinct or separate identities (the word "minorities" throughout this report refers to groups which comprise less than one half of the population and is devoid of political connotation). Amid deeply rooted feelings regarding potential threats to the integrity of the State, Turks are extremely sensitive to suggestions that they have an obligation to provide autonomy to any of the groups which make up the intricate mosaic of Turkish society. The Government only recognizes non-Muslim groups, as mentioned in the Lausanne Treaty of 1923, as minorities. It restricts the separate cultural identity of Muslim groups, such as Turkish Kurds. Publishing materials in Kurdish or writing about Kurdish history has resulted in imprisonment, and even the singing of Kurdish songs in public performances has been prohibited. In 1988, however, the Government did permit, for the first time, the sale of cassettes containing songs in Kurdish.

In the late summer of 1988, the Turkish Government undertook a major humanitarian effort when it gave refuge to 60,000 Iraqi Kurds, who had fled across the border into Turkey. By year's end almost 40,000 remained.

Some inhibitions on full press freedom continue to exist, but the press is active and freely criticizes the Government.

TURKEY

Over the past few years, journalistic practice and court decisions have steadily expanded the scope of press and individual freedom of expression.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known unlawful killings instigated by government or political opposition groups in 1988.

Since 1984 a small number (perhaps 3,000) of Kurdish separatists, mostly members of the illegal Marxist Kurdish Workers Party (PKK), have conducted a campaign of terrorism in southeast Turkey against security forces as well as fellow Turks of Kurdish origin who do not support them, causing 1,400 deaths, most of them civilian. The Government in 1988 made major strides in combating the campaign, both through improved coordination of the security forces and the creation of better economic conditions for the inhabitants.

b. Disappearance

There were no known disappearances caused by government forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Article 17 of the 1982 Turkish Constitution states that "no one shall be subjected to torture or ill treatment incompatible with human dignity." Nevertheless, there were credible allegations of torture and other mistreatment during 1988, though at a reduced level compared to past years.

In one case, Turkish Christians, detained by Turkish security forces for alleged proselytizing during the spring and summer of 1988, were victims of police brutality and some of their non-Christian cellmates were more severely abused. According to one credible report, one man was beaten, subjected to cold water hoses, and hung from a bar running under his arms with his hands tied behind him.

An Amnesty International report written in June 1988 alleged several incidents of torture, including the reported sexual abuse of 16-year-old Saadet Akkaya in April in Istanbul Police Headquarters. Miss Akkaya reportedly lodged a formal complaint against the police.

Other charges were levied by two members of Turkey's opposition Social Democratic Populist Party (SHP). In January an SHP deputy from the southeast asserted that torture was systematic in the Erzurum Military Prison. In late August, SHP Chairman Erdal Inonu asserted that torture was a continuing phenomenon in Turkey, but he did not offer any specifics. In September an SHP deputy from the same area claimed that a man whose body had been returned to his family by the Jandarma--who said the man had been killed by Kurdish separatists--had actually been tortured to death by the police. As reported by the opposition deputy, a police autopsy showed the man had been killed by gunfire from PKK members, while a second autopsy ordered by the family showed the man had been tortured before he died. In December a

delegation of SHP members travelling in eastern Turkey publicized an incident in Kars province in which three Jandarma officers allegedly tortured seven villagers while investigating a murder stemming from a local blood feud. According to press reports, two victims were hospitalized.

The President of the Istanbul chapter of the Human Rights Association charged that inmates of Bursa prison, including Hasan Fikret Ulusoydan, a Communist writer, were beaten in late September. The beatings led to a widely publicized hunger strike. In December the President of the Ankara chapter of the Human Rights Association announced that three students (two of whom accompanied him to the press conference) had been beaten and hung by the arms after being detained for hanging posters and distributing leaflets. They were later released by a judge.

The Government in January 1988 became the first country to ratify the Council of Europe Convention for the Prevention of Torture. In August it ratified a similar U.N. Convention Against Torture. In taking these actions, the Government accepted the legitimate role of outside observers in investigating torture allegations in Turkey and monitoring Turkish prison conditions. In September a U.N. rapporteur conferred in Turkey with government officials and visited prisons in Istanbul and Ankara.

Current Turkish legal procedures permit incommunicado detention of suspects for up to 15 days upon court order and up to 30 days in cases to be tried in a state security court. It is during this period of detention that most alleged acts of torture are said to occur. Turkish human rights activists and foreign observers alike agree that ending this practice of incommunicado detention and allowing lawyers and family access to prisoners during these periods of detention would be one of the most effective ways of assuring that torture does not occur. Proposed revisions to the criminal code under consideration by the Government would allow immediate access for lawyers.

Observers note that the current system creates a situation in which allegations of torture are difficult to prove or disprove. This was clearly demonstrated in the case of Haydar Kutlu and Dr. Nihat Sargin, leaders of Turkey's outlawed Communist Party, who were arrested in November 1987 after their voluntary return to Turkey. After being held incommunicado for several weeks, the two claimed they had been tortured. They also said that all signs of torture had disappeared and that court-appointed doctors would be unlikely to find any marks. Court-appointed physicians did examine them and found no indications of torture. The two continued to repeat their charges as their trials went forward in 1988.

In 1988 a number of officials were convicted of having tortured people in their custody. Izmir policeman Mehmet Sonmez was sentenced to 7 years for the beating death of Ali Guven during an arrest in 1983, but other offenders received lighter sentences. Proposed revisions to the criminal code would double the penalty for murder by torture, classified as manslaughter, from 8 to 16 years.

Turkish prison conditions suffer in comparison with those in many richer countries. In February Prime Minister Ozal announced a series of reforms that increased visiting hours and gave prisoners greater access to television and printed

matter, among other things. Stringent new prison regulations were issued on August 1, leading to hunger strikes in 13 prisons. The strikes, during which prisoners refused prison meals but not other forms of sustenance, ended after negotiations in early December which relaxed some of the new regulations. One important reform allows the family members of prisoners who do not speak Turkish to converse during visits in their own language. This change constituted an important step for Turks of ethnic Kurdish origin living in eastern Turkey. (See also Section 5.)

d. Arbitrary Arrest, Detention, or Exile

Except in limited circumstances, such as when a person is caught in the act of committing a crime, a judge must issue a detention warrant to the prosecutor if a person is to be incarcerated. This can lead to at least 2 weeks of incommunicado detention.

In the eight provinces under a legal state of emergency, the governor (or regional governor) may authorize initial detention of a person for up to 30 days without charge. Once formally charged, a detainee is arraigned before a judge and is allowed to retain a lawyer.

A proposed revision of the criminal code under consideration by the Government would accord suspects the right to obtain and have access to a lawyer from the outset of detention. Under existing legislation, a detainee's next of kin must normally be notified "in the shortest time." A detainee does not have a right to bail; the arraigning judge may release the accused on presentation of an appropriate guarantee, or order him held in preventive detention if the court determines that he is likely to flee or destroy evidence.

The Constitution specifies the right of detainees to request "speedy conclusion of arraignment and trial." Nevertheless, judges have ordered a significant number of persons detained while their cases progress, sometimes for a period of years. While many of these cases involved persons accused of violent crimes, others involved membership in illegal organizations.

There is no formal exile. The Government has refused to renew the passports of a number of Turks working abroad who have refused to return home to face court charges or perform military service. These persons may apply to the Interior Ministry for permission to return to Turkey. According to a 1987 report, about 14,000 Turks living abroad (most of them in West Germany) have been denied passports for these and other reasons. In a well-publicized incident, eight Turks tried to enter Turkey on December 17. Five were refused entry on the grounds that they had lost their citizenship; the other three were detained pending investigation of outstanding charges against them. Two were later released. All were allowed to contact lawyers and hold press conferences.

Some human rights observers continue to assert that Turkish detention facilities contain many political prisoners or prisoners of conscience. The authorities detained many persons following the 1980 military intervention, including many charged with acts of violence. Early release under the "Execution of Sentences Act" for those convicted of crimes, and the conclusion of most of the mass trials dating from the same period, in which courts have distinguished carefully

between violent and nonviolent acts in meting out sentences, have reduced those numbers significantly.

One such mass trial, which began in 1981, ended in late August. Over half of the 800 defendants were acquitted, and 271 received sentences ranging from 1 to 20 years. Of 53 defendants for whom the prosecutor requested death sentences, 46 were given lesser sentences. The defendants, members of a revolutionary group, had taken over a town shortly before the 1980 military intervention and declared it a "liberated zone." It was retaken by the military without loss of life, but the revolutionaries had allegedly executed a number of people during their brief rule.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Turkish court system and judicial procedures are modeled on Italian (criminal) and Swiss (civil) law codes. Defendants normally have the right to an open trial.

The Constitution declares that judges shall be independent in the discharge of their duties and provides for the security of their tenure. It also prohibits authorities from giving orders or recommendations concerning the exercise of judicial power. In many instances, charges brought by prosecutors, who are also independent, are dismissed by the courts.

Eight state security courts try defendants accused of terrorism or other offenses against the security of the State, including drug smuggling and membership in an illegal organization. The same standards of evidence and general rules of procedure are required as in civilian courts. A conviction or acquittal in either system may be appealed. If an appeals court overturns a lower court's guilty verdict, the case is sent back to the lower court for reconsideration. If the lower court insists on its original verdict, the case is returned to the appeals court for a binding opinion.

In some cases, particularly capital cases, appeals to the Supreme Court or to the High Court of Military Appeals are mandatory and automatic. If a death sentence is confirmed by an appeals court, it must be approved by the Council of Ministers, then by Parliament, and finally by the President. No death sentence has been carried out since 1984. In September the Chairman of the Parliamentary Justice Committee remanded the dossiers of 287 prisoners sentenced to death to the Parliamentary Archives, effectively commuting their sentences to life.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication. Entry by government officials into a private residence and interception or monitoring of private correspondence are permitted only upon issuance of a judicial warrant.

In the eight provinces still under a state of emergency, however, the governor (or regional governor) may empower authorities to search residences or the premises of political parties, businesses, associations, and other organizations

without a warrant. They may also search, hold, or seize without warrant persons, letters, telegrams, and documents.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Turkish press is lively and vigorous. There are many newspapers and periodicals, all of which are privately owned and reflect a wide range of opinion. There is no government newspaper; all papers reflect opposition views to a greater or lesser extent.

While it is permissible to criticize government leaders or policies, the criminal code has provisions to prosecute those who "insult the President, the Parliament, the Government, and the Army." Penalties range from a 3-year minimum sentence for insulting the President to a 6-year maximum for insulting the other branches of government. The criminal code also has longstanding prohibitions on speech or writings considered threatening to the democratic and secular system of government and the security of the State. The proscriptions apply to: advocacy of a government based on class or racial domination (e.g., communism or fascism); the establishment of a theocratic state (e.g., Islamic fundamentalism); or the creation of a separate state on ethnic lines (e.g., Kurdish separatism). Public prosecutors have been vigorous in bringing charges under these laws, and the number of people charged with such violations fluctuates and is hard to estimate but may be several thousand. However, judges have generally been rigorous in examining the evidence in such cases and dismiss most of them.

The former mayor of Samsun was convicted for insulting the President. He was accused of saying that the upper levels of government are occupied by ignorant people whose obsession with women covering their heads is perverse, meaning that he felt that conservative female Muslim students should be allowed to wear headcoverings on university campuses. (The issue has become an important one between secularists and religious fundamentalists. The Higher Education Council has recently permitted headcoverings, but some faculty members have refused to teach students who wear scarves to class.) The mayor's case is being appealed.

Prosecutors sometimes use these laws to harass newspapers. All papers have a "responsible editor" whose only function is to represent it before the courts and bear the penalty if the paper is found guilty. In a number of instances in 1988 fines were imposed, often for obscenity convictions, but no "responsible editor" actually went to jail. In December the editor of a leftist magazine, Toward the Year 2000, was sentenced to 1 1/2 years in prison for "having insulted Ataturk" in an article. The case is being appealed, and there are indications that the appeals court will reverse the conviction. Meanwhile, the magazine's "responsible editor," Fatma Yazici, was fined $75 for the same incident. Yazici, a prominent leftwing journalist, is involved in as many as 30 other court cases as "responsible editor" and could serve many years in jail for sentences currently under appeal or new convictions. So far, however, she has not served any time in jail.

A publisher and reporter of the major daily, Milliyet, are currently on trial for having published in 1988 a series of

interviews with a Kurdish leader advocating separatism. It is widely expected that they will be acquitted or, at most, receive a relatively minor fine. The editions of the newspaper containing the interviews were seized by authorities before reaching the newsstands. A book reprinting a series of articles legally published in 1966 on Kurdish life in eastern Turkey was banned. The books were reportedly physically destroyed, and charges were brought against the publisher. The case had not yet been heard at year's end.

Judicial rulings in 1988 affecting freedom of the press have consistently favored more freedom. This is one reason why, despite the possibility of prosecution, the press constantly tests the laws. Government prosecutors continued to use some statutes to harass the press and were at times effective in doing so; but the courts, for the most part, continued to come down on the side of free expression and to expand the bounds of press and individual freedom.

Turkish Radio and Television (TRT) is a government monopoly. Despite fairly extensive coverage of the activities of opposition leaders and their parties, opposition figures complain TRT's broadcasts and news coverage have a strong progovernment bias. A government commission apportions party access to television and radio during election and referendum campaigns based on the percentage of parliamentary seats they presently hold. Works of certain leftist and Kurdish performers and writers are said to be banned from broadcast on TRT for political or cultural reasons.

b. Freedom of Peaceful Assembly and Association

Peaceful assemblies are permitted with prior permission from the authorities. Such requests are generally granted, but assemblies are restricted to sites chosen by the authorities.

The Law on Associations reflects concern over the involvement of some organizations in the violence which preceded the military intervention of 1980. It prohibits associations from having ties to political parties or engaging in political activity. The Government closely monitors association activity. Associations must submit their charters for government approval before they are allowed to form.

Academic freedom is circumscribed in that the Constitution and the Political Parties Law proscribe student and faculty involvement in political activities. These prohibitions stem from concern over university involvement in pre-1980 violence. Political parties may not form youth branches. Students and professors may, however, participate in politics and political parties as individuals, and a number of academicians have been elected to Parliament.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Turkey is a secular state. The Constitution provides for freedom of belief, freedom of worship (if in a public building, the building must be specifically designated for this purpose and approved by the State), and private dissemination of one's religious ideas. It is illegal, however, to advocate the establishment of a theocratic state. Systematic proselytization is a legal gray area but the

government consistently discourages it, and anyone engaging in such activities may be detained, investigated, and possibly prosecuted.

In January and February, a series of articles in a mass-circulation newspaper claimed that various Christian groups were trying to convert Turks through such inducements as sex, language lessons, and trips abroad. The police detained some 50 foreign and Turkish Christians throughout Turkey on suspicion of organizing illegal activities. Most of the detainees belonged to evangelical Protestant groups. While some hearings are still pending, the courts have dismissed all cases heard to date. Nevertheless, some foreigners were later forced to leave Turkey when their residency permits or employment contracts were not renewed. Police in Ankara detained a group of foreign and Turkish Christians for a second time in September. The group was held for 7 days, but none of the detainees was charged with a crime. Several Turkish detainees complained of police brutality during their detention, and one was beaten; none of the foreign detainees was mistreated, but consular access was denied.

Although Turkey is a secular state, Turkey's population is overwhelmingly Muslim. Instruction in "religious culture and moral education" in accordance with a state-prepared curriculum is compulsory for all Muslim students. A recent decree combined the practical and theoretical aspects of this curriculum but also stated that non-Muslims can attend such classes only with written permission of their parents. This superseded a 1986 Education Ministry decree to the effect that non-Muslims had to attend classes in general religious instruction but were excused from the practical sections, which included memorization of Koranic verses and instructions in prayer.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within Turkey, and Turks are generally free to travel abroad. The Constitution provides that a citizen's freedom to leave may be restricted on account of the national economic situation, civic obligations (generally military service), or criminal investigation or prosecution.

In April, the Government eased some of the regulations governing passport issuance. Critics, however, point out that while the reforms made it easier for people who had been convicted on criminal charges to obtain passports, the reform has not been fully applied to people accused or convicted of having advocated a government based on class or religion. There is also evidence that some people under indictment for such offenses, as well as others under no indictment at all, are unable to obtain passports or only get them after lengthy delays.

Turkey has resettled approximately 4,500 Afghan refugees in recent years. In the late summer of 1988, it generously provided temporary refuge to some 60,000 Iraqi Kurds. It also provides two temporary settlement facilities for East European refugees. Though the Turkish Government does not grant Iranians refugee status, Turkey serves de facto as a country of first asylum and safehaven for many Iranians. Before the current ceasefire in the Iran/Iraq war, there were an estimated 500,000 Iranians in Turkey, mostly in Istanbul and other large

cities. The U.N. High Commissioner for Refugees (UNHCR) has raised with the Turkish Government a small number of cases of refoulement of persons who had violated Turkish law.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Turkish citizens have the right and ability peacefully to change their government, within certain legal constraints. Parties advocating a theocratic state, the superiority or dictatorship of a particular social class or group, or "exclusive" or "elitist" political philosophies are prohibited. Among the political groupings which are effectively barred by these provisions are Communist, Marxist, Islamic fundamentalist, Kurdish, and Fascist parties. These are regarded as inimical to a Western-style democracy and a threat to Turkey's fundamental integrity. Fascists and Communists as individuals are banned from membership in other parties. Members of the armed forces and certain categories of civil servants may not join any political party.

Members of the Communist party, such as Haydar Kutlu and Nihat Sargin, and of Kurdish separatist parties, such as Fatma Ünal and Sabri Erbil, are among those held on charges of advocating rule by a particular social class or ethnic group. Kutlu and Sargin voluntarily returned to Turkey in November 1987. Over 400 Turkish lawyers volunteered to defend the two and their trial has occasioned domestic debate over the suitability in a democracy of outlawing Communist parties.

At the time of their arrest, Prime Minister Ozal said that he personally would not object to the legalization of Communist parties of the Eurocommunist type, though he felt that many Turks might not agree. President Evren stated that he could foresee the eventual legalization of a Turkish Communist party, but the time had not yet come. The issue of legalizing the Communist party continues to be a subject of debate in Turkey, with members of several parties calling for an amendment to the Constitution.

Turkey has a multiparty, presidential parliamentary system. The President is elected by Parliament for a single 7-year term. The current President, whose election was approved with the adoption of Turkey's new Constitution in the 1982 referendum, is retired General Kenan Evren, former Chief of the Turkish General Staff and head of the National Security Council which governed Turkey during the period of military rule (1980-83). In 1989, a new president will be elected by the Members of the current Parliament.

Elections for public office are on the basis of mandatory universal suffrage and secret ballot. Turgut Ozal's Motherland Party won a 5-year mandate in the national elections held in November 1987, in which political leaders formerly banned from political activity were allowed to participate following a referendum to this effect in September 1987.

The unicameral Parliament has 450 seats elected on a weighted proportional representation basis. Under a "barrage" system, the Turkish election law excludes parties obtaining less than 10 percent of the total national vote. This measure is intended to prevent political fragmentation and recurrence of the parliamentary paralysis of the late 1970's. The law is structured to assist a party which obtains a plurality of the popular vote to obtain a strong majority in Parliament. In

the November 1987 parliamentary elections, a 36-percent plurality of the popular vote provided Prime Minister Ozal's Motherland Party 292 seats in the 450-person Parliament.

The Constitution provides equal political rights for men and women. There are currently six female Members of Parliament, one of whom is the Minister of Labor. Several women hold important positions in the party hierarchies. Members of minorities, Muslim and non-Muslim, face no legal limitations on political participation as long as they accept Turkish national identity and do not form "exclusive " parties. For example, many Turks of Kurdish descent serve in the Parliament, the Cabinet, and senior government posts.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government's attitude toward private organizations monitoring human rights situations is ambivalent. Their representatives are free to come, but the degree of official cooperation extended to them varies and reflects, at times, clear resentment over what the Government perceives as "unfair" reporting by such groups following visits to Turkey.

A nongovernmental Human Rights Association has been active since its charter was officially approved in 1987. It has opened branches in provincial cities, and organizes discussions, publications, rallies, and petitions. It gathered 150,000 signatures in support of the abolition of the death penalty and a general amnesty for all political prisoners. Because of this campaign, several association officials were charged with having illegally participated in politics in contravention of the law on associations, but they were acquitted in early December.

The Social Democratic Populist Party, the main opposition party, also has a human rights committee and has actively pursued human rights issues in Parliament. In December the Government formed an interministerial working group to coordinate government efforts on human rights matters.

Under the European and U.N. conventions against torture ratified by Turkey, committees or rapporteurs are allowed to visit all places of detention (police stations, civilian and military prisons, mental hospitals, etc.) at any time, following notification to the Government. In early September, a U.N. rapporteur met with government officials and visited a prison in Ankara and a prison in Istanbul.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no legal discrimination based on race, sex, religion, or social status. The Constitution proclaims Turkey to be a secular state, regards all Turkish citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds. The Treaty of Lausanne also guarantees the rights of Turkey's non-Muslim minorities. In many respects, there is also little actual discrimination in Turkey. Many prominent Turks are of Kurdish origin. The tiny Jewish and Christian minorities are heavily represented in business and the professions. There are, however, some problems.

TURKEY

Turkish Governments since Ataturk have sought the assimilation of all ethnic groups residing within the territorial boundaries of Turkey into the mainstream of Turkish society. As a result, a variety of Turkish laws and practices make it difficult for ethnic or religious minority groups to maintain fully distinct or separate identities within Turkish society. Turks feel that to permit such groups to do so could eventually bring the unity of their State into question. Pursuit of this policy has, however, caused social strains, particularly with regard to citizens of Kurdish origin.

Although millions of Turkish Kurds are fully integrated into the political, economic, and social life of the nation, the Government's pursuit of full assimilation has led to the proscription of publication of any book, newspaper, or other material in the Kurdish language. Neither are materials dealing with Kurdish history, culture, and ethnic identity permitted, and there have been instances of arrests of entertainers for singing songs or performing in Kurdish. While some forms of cultural activity are permitted, the foregoing limits on cultural expression are a source of genuine discontent to many Turks of Kurdish origin, particularly in the economically less developed southeast, where they are in the majority.

There are no legal restrictions on the private use of Kurdish. In addition, as part of his February announcement on prison reforms, Prime Minister Ozal lifted restrictions on allowing Kurdish-speaking prisoners to converse in Kurdish with visitors or lawyers. This brought an end to a widely publicized and resented situation in which some Kurdish prisoners and their families were unable to converse during family visits for want of the ability to do so in Turkish. Turkish laws and regulations insist on the use of Turkish in court, with interpreters provided to those who cannot speak Turkish.

The entire Kurdish issue is one of great sensitivity and controversy for the majority of Turkey's citizens. Early in 1988, a small group of deputies broke a longstanding taboo when they tried to initiate a parliamentary discussion on the condition of Turkish Kurds. The move was rejected by parliamentary colleagues from all political parties, but the attempt constituted an unprecedented public discussion of this issue. The emotions surrounding this problem are heightened by the ongoing Kurdish separatist armed violence in the southeast.

As one way of ameliorating the problems of the southeast, the Government has put great efforts into creating better economic conditions through large-scale economic development programs. Dams have been built to provide irrigation and hydroelectric power. Almost all villages are now electrified. Tractors are common. Virtually every village now has a primary school where children learn Turkish. The introduction of television to rural areas is having a major impact, giving the inhabitants of this area the same access to Turkish-language information and cultural programs afforded other Turks.

Notwithstanding the sensitivity of its internal Kurdish issue, the Government generously afforded refuge to some 60,000 Kurds fleeing chemical warfare in Iraq in the late summer of 1988. Foreign observers praised the Government for providing humanitarian assistance under difficult circumstances.

TURKEY

Under the Treaty of Lausanne, the equality of non-Muslim Turkish nationals with Turkish Muslims is guaranteed. Among non-Muslim religious groups there are some 50,000 Armenians, 20,000 Jews, 6,000 Greek Orthodox, and several thousand Syriac Christians. These groups operate churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages, but have faced a number of restrictive bureaucratic policies and procedures governing their activities and institutions. In some instances, these problems have been caused by municipal governments which have sought to expropriate, by legal means, real estate owned by religious groups and non-Muslims. Over the last few years, the Ozal Government has been sympathetic to these concerns and has taken a number of steps to alleviate them, particularly in regard to the Greek Orthodox Patriarchate in Istanbul. Nevertheless, a variety of obstacles to the efficient operation of their schools, churches, and seminaries have contributed, along with economic factors, to a dwindling of these minority populations. The population of non-Muslim minority groups has declined steadily over the years to under 200,000 people.

The Government has long been a leader in promoting and protecting women's rights. Their marriage and property rights are guaranteed by laws based on the Swiss civil code. Women have full suffrage and educational rights, have attained high office, and are represented in all professions and institutions, including the law and medicine. Still, in much of the country, particularly small towns and villages, cultural constraints severely limit womens' roles in society. Traditional attitudes tend to keep women out of blue-collar jobs, though women do perform certain unskilled and semiskilled labor in factories and farm work. In work sites covered by labor agreements, they receive equal pay.

Section 6 Worker Rights

a. The Right of Association

Most workers have the right to associate freely. Among those who do not have the right to form representative unions are public schoolteachers, civil servants, the police, and the military.

Union officers may serve no more than eight consecutive 3-year terms in a given office. The Constitution requires candidates for office to have worked 10 years in the industry represented by the union. Like other associations, unions must have government permission to hold special meetings or rallies, and police officers must be allowed to attend and record the proceedings of both special and mandatory meetings. The Government protects the person and property of trade unionists.

The 1982 legislation banned unions and their officers from any political activities. The 1988 amendments to those laws clarified the right of unions and their officers to express their views on issues which directly affect their members' economic or social interests, but they did not undo constitutional provisions which forbid any union role in party politics. Unions may not establish organic or financial connections with any political party or other association. In practice, union leaders and the executive board of the Turkish Confederation of Labor (Turk-Is) have undertaken significant political activities. In 1988 Turk-Is campaigned hard against the Government's position in a referendum on the timing of local elections, a clearly political issue. While several

members of the ruling party called for legal action against Turk-Is, no case arising from its referendum activities has yet been opened against the Confederation.

In some circumstances, the Government may take over the assets of a union or confederation after a lengthy court proceeding. This procedure was used in the case of the Confederation of Revolutionary Workers Unions (DISK), which was dissolved by a military court in a proceeding which began in 1981. At year's end the case was on appeal.

Workers have the right to strike. Turkish law and the labor court system, however, require collective bargaining before a strike. The law specifies a series of steps which a union must take before it may legally strike, and a similar series of steps before an employer may engage in a lockout. Nonbinding mediation is the last of those steps. Once a strike is declared, unions are restricted in the actions pickets may take, as well as the number of pickets they may place at each entrance and exit of a strike site. The struck employer may respond with a lockout. If he chooses to remain open, he is prohibited from hiring strikebreakers or from using administrative personnel to perform jobs normally done by strikers. Unions are forbidden to engage in secondary or solidarity strikes, wildcat strikes, or general strikes. In the peak strike year of 1987, all strikes were peaceful, and all ended in collective agreements. That trend continued in 1988.

The International Labor Organization (ILO) has, for a number of years, considered allegations that Turkish laws contravene the standards of ILO conventions which Turkey has ratified. Several ILO missions have visited Turkey in recent years and suggested significant changes in Turkey's labor laws and Constitution. The May 1988 amendments to the Labor Law addressed some of the ILO recommendations. In November the ILO's Committee on Freedom of Association noted improvements in the existing labor legislation but insisted on several additional major amendments to correct provisions incompatible with freedom of association: specifically, the right to establish organizations without previous authorization; to draw up constitutions and rules and elect representatives in full freedom; and to bargain collectively without government interference.

Turk-Is is affiliated with the International Confederation of Free Trade Unions (ICFTU) and the European Trade Union Confederation (ETUC) and represents Turkish workers at the ILO. The Confederation of Revolutionary Trade Unions (DISK), although dissolved by court action, is still carried as a member of the ETUC, and its legal appeals have been actively supported by all three major trade union internationals: the ICFTU, the World Federation of Trade Unions, and the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively exists for almost all industrial workers in Turkey. The Constitution, the Labor Law, and the Collective Bargaining, Strike, and Lockout Laws make these rights clear. Most industrial activity is organized, as well as some public sector agricultural activities.

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The law favors established unions by requiring that a union must have as members 10 percent of the workers in a given work branch as well as 50 percent plus one of the workers at a given work site in order to become a bargaining agent. There is no agent election. The union submits its membership roll to the Ministry of Labor and requests certification as the bargaining agent. Once certified, the union receives dues, check-off privileges, and compensatory payment from nonunion members. The employer must enter good-faith negotiations with the certified union.

In the organized sector of the economy, collective bargaining is the norm. Even in those sectors in which there is no right to strike (for reasons relating to national security, broadly defined, or in newly established free trade zones) collective bargaining, followed if necessary by binding arbitration, is the rule.

Unions complain that the ban on strikes outside the collective bargaining process makes it impossible to protect members against retribution for organizing or performing other union functions. Charges of employer retribution against union activists may be raised in labor courts, which most employers regard as fundamentally prolabor. Few incidents of antiunion discrimination are reported.

Although organization and collective bargaining are permitted in newly established, duty-free zones near Adana and Antalya, workers in those zones will not be allowed to strike until 1994 (10 years after the zones were legally established). Until that date, differences between union and employer which cannot be settled otherwise will be determined by binding arbitration. Workers in these zones are paid in foreign exchange rather than in Turkish currency.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is not practiced.

d. Minimum Age for Employment of Children

The Constitution and labor laws forbid employment of children younger than 14 years of age and require those above 14 who are in school to have their work hours adjusted accordingly. The Constitution also prohibits women and children from engaging in physically demanding jobs, such as underground mining, and from working at night. The Ministry of Education and Sports enforces the laws effectively in the organized industrial area.

In practice, many children work in Turkey. In the major cities, many young boys shine shoes and sell pretzels and sandwiches on the street. In family-owned businesses, including restaurants, boys visibly younger than 14 work long hours as busboys. Rural families frequently need the small income their children can generate by working outside the family.

In addition there is an informal and essentially unsupervised apprentice system, in which young boys work at low wages in hopes of learning a trade. Auto repair shops frequently have underage helpers. Girls, because of traditional efforts to shield them from public view, are rarely seen in such circumstances, but many are kept out of school to work at

home, especially in rural areas, and may also be employed while under age in the manufacture of handicrafts and rugs.

e. Acceptable Conditions of Work

A tripartite group made up of representatives of labor, Government, and employers sets an annual minimum wage. On July 1, the monthly minimum wage was raised from $45 to $76 at the exchange rate of November 1988. Take-home wages rose from $30 to $51 per month. Inflation and rapid devaluation of the Turkish currency against the U.S. dollar had reduced its international value significantly by year's end.

The minimum wage is effectively enforced. Unions argue annually that the minimum wage should be set to reflect the needs not just of the worker, but of a worker and three dependents. Most workers, however, earn considerably more than the minimum wage, which generally is restricted to those new to the work force or those providing temporary or part-time services. It would be difficult for a single worker to live on the minimum without support from other sources, and it would be impossible to raise a family on it. It should be noted, however, that workers also receive a hot meal daily (or a food allowance), transportation to and from work, a fuel allowance, and other fringe benefits which make the salary only about one-third of total remuneration.

The Constitution provides for a nominal 45-hour workweek and mandates a right to leisure. Most unions have bargained for fewer hours in the workweek, both to produce more leisure time and to ensure more overtime, which earns premium pay. Labor law limits the number of overtime hours a worker may be required to work to 270 per year.

Occupational safety and health regulations are nominally mandated by the Constitution. In practice, limitations on financial resources and knowhow, lack of safety awareness, fatalism, and carelessness often lead workers and employers to eschew basic devices, frequently resulting in poor occupational safety and health records. To date, the Government has not carried out an effective inspection and enforcement program.

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The Soviet Union (U.S.S.R.) is a one-party state, dominated by the leadership of the Communist Party. General Secretary Mikhail Gorbachev, who was elected President of the Soviet Union in 1988, actively pursued the policies of glasnost' (openness), encouraging broad public discussion on national problems, and perestroika (restructuring), aimed at stimulating initiative and change in government and economic operations. These policies had a major impact in 1988 in introducing changes in the perception and functioning of the Communist system. Although the party leadership is a self-perpetuating elite which attempts to direct all aspects of public life, the implementation of glasnost' thus far has given the Soviet population, at least in major cities, greater opportunity to express its views in public. Although the Soviet Union is a multinational state, political power has always been highly centralized in Moscow.

The Committee for State Security (KGB), police authorities, and prosecutors' offices are charged by the party leadership with enforcing the population's compliance with policy decisions, directives, and legislation. They have traditionally done so by seeking to intimidate dissenters and potential dissenters. The severe punishment meted out in the past has, however, been replaced by short-term detention, administrative sentencing of demonstrators, selective summons for admonishment or reproof, and harsh press attacks on dissidents. Unlike other government agencies, the KGB has been subjected to only a modicum of glasnost' and perestroika.

The Communist Party bolsters its monopoly of economic power through state ownership of the means of production and government administration of all significant economic activity. In 1988 the Soviet leadership broadened the limits of legal private enterprise. General Secretary Gorbachev announced that collective farmers would be allowed to lease agricultural land on a long-term basis (up to 50 years). The comprehensive economic reform program, meanwhile, is still under intense review.

The limits of permissible dissent in 1988 continued to expand, perhaps most notably demonstrated at the XIX Communist Party Conference and by the massive national demonstrations in Armenia and the Baltic republics during the spring, summer, and early fall. While changes are still most evident in Moscow and Leningrad, an increasing number of informal organizations and publications are appearing in other cities, such as Sverdlovsk and L'vov. At the end of the year, however, Moscow cracked down on the Armenian National Movement, the Leningrad authorities launched an investigation under Article 70 (anti-Soviet agitation and propaganda), and local authorities brought charges under Article 190-3 (violating public order) against activists in Sverdlovsk and Georgia.

Reforms are taking place at the direction of the party; increased freedoms have come mainly as the result of political decisions. Most of the current reforms have yet to be reinforced by the adoption of laws, administrative regulations, and bureaucratic procedures that will ensure the rights of individual citizens. Moreover, the citizenry itself is unused to defending its rights against century-long traditions of state repression.

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Emigration for selected groups--Jews, ethnic Germans, Pentecostals, and Armenians--continued to grow. By the end of 1988, monthly average departures for members of these groups compared favorably with the late 1970's. Jewish emigration was less than half of what it was in the peak year of 1979, but the total emigration from the Soviet Union was substantially above the 1979 figure. Emigration of members of other ethnic groups remained negligible.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There was one report of suspected political killing in 1988. Dissident sources suspected KGB complicity in the murder of a Soviet activist of German descent, Vladimir Rayzev, in Kirgizia early in September. Rayzev reportedly knew so much about "KGB operatives" in Kirgizia that they were afraid of him. He had received exit permission from the Soviet Union and was planning to depart in mid-September. However, Rayzev's murder cannot be clearly labeled as a political killing.

b. Disappearance

There have been no known instances of prolonged or permanent disappearance in recent years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Many Soviet prisoners suffer both mental and physical abuse and mistreatment during interrogation, trial, and confinement, according to a wide variety of reliable sources. Prisoners released in 1988 report that prison and camp conditions have not improved. Life in prison or labor camps continues to be marked by isolation, poor diet and malnutrition, compulsory hard labor, beatings, frequent incarceration in punishment cells for violations of camp rules, and inadequate medical care.

A decree of the U.S.S.R. Supreme Soviet Presidium in July rescinded a paragraph of the Soviet Penal Code stipulating reduced rations for labor camp inmates who undergo punishment in solitary confinement. This measure was issued apparently to bring Soviet domestic legislation into line with the U.S.S.R.'s commitments as a signatory of the International Convention Against Torture, to which it acceded in March 1987.

There were several instances of persons being confined in psychiatric hospitals for political reasons. Most were released within a few months. There continue to be reports of psychiatrists being called to militia stations to examine persons apprehended for political reasons. Reports indicate that conditions in psychiatric hospitals and the punitive administration of sedatives, antipsychotics, and other drugs have not changed significantly, except that beatings are fewer. Inclusion in the register of the mentally ill leads to many restrictions on activities, including a prohibition on driving a car, and a requirement to check in with a mental health dispensary every 6 months.

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Official attention to the problems of psychiatric abuse increased in 1988, with press articles, an official press conference on "blank spots in Soviet psychiatry" in February, and press interviews with Soviet officials from the Ministry of Health and elsewhere. The most significant development was the promulgation in January of a new decree on the provision of psychiatric care, which went into effect March 1. Under its provisions, psychiatrists can be sued for knowingly committing healthy persons to psychiatric institutions, and chief psychiatrists are given increased responsibility for determining that persons committed are genuinely mentally ill and are being given the proper treatment. There is evidence that these reforms have made psychiatrists less willing to confine persons without substantial grounds for believing them mentally ill. Ministry of Health officials said forced commitment to mental hospitals under the new regulations could take place only when a person was a danger to himself or others.

Many persons were removed from the register of the mentally ill, and a commission reviewed the cases of many patients in mental hospitals to determine which could be released. A number of well-known political prisoners interned in psychiatric hospitals were released in 1988, including Vladimir Gershuni, Teofils Kuma, and Vasiliy Spinenko.

According to Western human rights observers, approximately 50 political and religious prisoners were released from psychiatric hospitals in 1988. It is not known how many people committed for reasons other than genuine mental illness remain in psychiatric hospitals.

There were reports of beatings of persons detained for violating regulations on demonstrations. For example, a group of Leningrad activists, who came to Moscow in May for the founding of the Democratic Union and were forcibly deported to Leningrad, reported that they were severely beaten while in militia custody. In general, however, there were fewer reports of beatings of political prisoners and detainees. New militia units set up for dispersing demonstrations appeared to operate efficiently and with a minimum of force when it was used. There is no information to indicate, however, that routine beatings of ordinary criminal prisoners have decreased.

d. Arbitrary Arrest, Detention, or Exile

While Soviet spokesmen have always insisted that persons are arrested only for violation of Soviet law, some of those laws violate internationally recognized human rights, including freedom of expression and freedom of association. Among these laws are:

--Article 70, "Anti-Soviet agitation and propaganda," which carries a maximum penalty of 7 years' imprisonment and up to an additional 5 years in internal exile.

--Article 142, "The violation of the laws on the separation of church and state and of the school and church," which carries a maximum penalty of 3 years' imprisonment.

--Article 190-1, "The dissemination of deliberately hostile fabrications defaming the Soviet State and social system." This article, introduced in 1965, carries a maximum penalty of 3 years' imprisonment;

--Article 190-3, "The organization of, or active participation in, a group actively violating public order," which carries a maximum penalty of 3 years' imprisonment.

--Article 227, "The infringement of the person and the rights of citizens under the guise of performing religious ceremonies," which carries a maximum penalty of 5 years' imprisonment.

Review of the criminal code continued. A draft of the "Principles of Criminal Legislation" was published in Izvestia on December 16. Among other changes, it eliminated internal and foreign exile, reduced the number of crimes punishable by death to six, and explicitly called for Soviet criminal legislation to be brought into accord with the U.S.S.R.'s international agreements. After public discussion, a final draft is to be delivered to the Presidium of the U.S.S.R. Supreme Soviet by March 15; it will then be considered by the new Supreme Soviet, which convenes in April. Since the new criminal code will be based on these principles, a draft is expected sometime after the new Supreme Soviet convenes. Final approval is likely to come later in the year.

According to official Soviet sources, articles 190-1 and 227 will be dropped, and articles 70 and 142 will remain, but in revised form. No convictions are known to have occurred under any of these articles in 1988, an indication that they will be either revoked or substantially revised. Although there were no convictions, there were a number of arrests, including those of Paruyr Ayrikyan, Sivert Zoldins, Modris Lujans, and Ivan Makar. Ayrikyan was pardoned (despite the fact he had not been convicted) and deported, and Zoldins was reportedly released. Lujans was acquitted in Riga. Charges against Makar were dropped in November. He was rearrested on December 14 and put in jail for a period of 15 days; no new charges were brought against him. While no one had been charged at year's end, an investigation was opened on Article 70 charges in Leningrad. Several Democratic Union members and a National Workers' Union (NTS) member were called as witnesses. In December a trial opened in Tbilisi of four activists on Article 190-3 charges, and Sverdlovsk activist Kuznetsov was charged under Article 190-3.

While there were no arrests for "parasitism," the threat of arrest continues to hang over the heads of those dissidents without full-time state employment. A Kharkov former political prisoner and poet, Stepan Sapelyak, was reportedly warned July 19 that he would be arrested for parasitism if he did not find a job. Charges of "hooliganism" also continue to be used against dissidents, but much less frequently.

Many human rights activists in 1988 were detained under the provisions of a Supreme Soviet decree on meetings and demonstrations (see Section 2.b.). While a number of large demonstrations have been permitted under the provisions of that decree, most notably in the Baltic republics on August 23 and thereafter, many have been forbidden.

The criminal codes provide Soviet authorities power to detain citizens for 3 to 4 hours for questioning; after this period, detainees must either be charged or released. According to the code of criminal procedure, pretrial detention can last as long as 9 months, and prisoners are not entitled to consult with a lawyer until shortly before trial. Prolonged pretrial

detention thus can function as a form of preventive detention. There was no known instance in 1988 of preventive detention.

In September 1983, the authorities approved an addition to the Russian Soviet Federated Socialist Republic (RSFSR) criminal code dealing with "malicious disobedience of the administration of corrective labor institutions." Under this provision, prisoners who disobey camp authorities or who have spent time in solitary confinement during the course of the previous year may be sentenced to an additional 3 years. There were no reports that this provision was applied in 1988.

At the end of 1988, some political prisoners remained in internal exile, a form of punishment which dates back to Tsarist times. Exile often follows prison and, in practice, means confinement in a remote village where climatic conditions are usually severe, fresh food is scarce, and isolation is an additional burden. These conditions are mitigated only by the privilege of receiving food parcels from family members, moving about within a limited area, finding work (usually menial), and arranging one's own (often primitive) accommodations. The families of exiles are usually permitted to live with them, although it may take several months to receive the required permits.

No political prisoners convicted under Articles 70, 142, 190, or 227 remained in internal exile as of the end of 1988. In November 1987, the Government announced that it was planning to end the use of internal exile as a form of punishment. The draft of the "Principles of Criminal Legislation" did not include internal exile as a form of punishment. Whether that omission will be retained in the final version remains to be seen, although official sources indicate that it will. As of the end of 1988, however, provisions for internal exile were still in the criminal code.

Persons released from exile often are not allowed to return to their former places of residence. Some are forced to live in other areas of the country, in reality ensuring continued separation from their homes. Others, having nowhere to go, return to their old homes without residence permits, where they risk arrest for violating residence laws. In August 1985, the Council of Ministers issued decree no. 736, as yet unpublished, which severely limits the right of many former prisoners to reside in or visit Moscow or its suburbs.

In 1988 the Soviets released over 150 political prisoners, including Helsinki monitors Ivan Sokulskiy, Ivan Kandyba, Mykola Horbal, Mart Niklus, Vasyl Ovsiyenko, Alfonsas Svarinskas, Lev Lukyanenko, and Mikola Matusevich.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Communist party control of society extends to the legal and judicial system and negates constitutional guarantees of the objectivity and independence of the judicial process. The Soviet press continues to expose problems in the Soviet judicial system. Since there have been few political trials in 1988, it is difficult to make judgments on how perestroika may have contributed to reform in this area. A draft new law on the courts is expected in early 1989.

A Vilnius judge on September 29 acquitted eight persons of charges brought against them for a September 28 demonstration, and a judge in Sverdlovsk dismissed similar charges against a group there in September. Perestroika thus seems to have contributed somewhat to the independence of individual judges. Defense attorneys, however, are hesitant to take on cases that involve politically sensitive questions--as demonstrated by Sergey Grigoryants' difficulty in finding a lawyer who would represent him in connection with a libel suit against Literaturnaya Gazeta (which carried an article accusing him of working for the Central Intelligence Agency), or the difficulty L'vov activists encountered seeking a lawyer to defend Ivan Makar, charged under article 190-1. Defense attorneys, like judges, are subject to political pressures and constraints applied by the security forces and the party. According to official statistics, about 60 percent of attorneys are party members. Moreover, attorneys must have special clearance to act as a defendant's counsel in a political case. In this area, as in the press, limits have expanded but are still clearly drawn.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in personal life is pervasive. However, the authorities' view that it is a citizen's duty to inform on the unorthodox attitudes of family members, friends, and neighbors may be changing. For example, most government agencies now refuse to accept anonymous denunciations.

Electronic monitoring of the residences and telephones of certain Soviet citizens and foreigners is done routinely, despite constitutional guarantees of the inviolability of citizens' homes. As the resolutions of the XIX Communist Party Conference specifically called for guaranteeing the privacy of private communications, major changes in this area may be in the offing. According to law, no one may enter a home against the will of the resident "without legal grounds." In practice this provision has little restraining effect on investigative agencies. A new U.S.S.R. Supreme Soviet decree provides a legal basis for Ministry of Internal Affairs troops to enter private homes in pursuit of a suspected criminal. There were virtually no house searches for political materials reported in 1988 until the end of the year, when house searches were conducted in Leningrad, Tbilisi, Saratov, and Sverdlovsk.

Through the control of mail and telephone circuits, the authorities can selectively restrict contact between citizens and foreigners, intercepting mail or cutting off telephone conversations. While this has become much less frequent than in the past, it is still practiced when the authorities consider vital political interests to be affected. Human rights activists, including Aleksandr Ogorodnikov, Sergey Grigoryants, and Valeriy Senderov, had their telephone service interrupted for varying periods of time. The most blatant example in 1988 came during the Armenian disturbances. On the eve of April 26, the day a mass strike was expected in support of a demand that Nagorno-Karabakh be united with Armenia, Moscow-based foreign correspondents and Soviet human rights activists reported that their telephone conversations were disconnected as soon as the talk turned to Armenia. This severe disruption lasted approximately 12-24 hours, according to most accounts.

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Contacts with foreigners continue to be discouraged, although less actively than in the past. The 1984 decree that mandates fines for Soviet citizens who provide foreigners with "accommodation or transportation or have rendered them other services in violation of established rules" remains in force. Foreigners who visited refuseniks or dissidents, however, were less harassed. Refuseniks and dissidents criticized in the press are often cited for their ties and contacts with the West. In a September 2 Pravda interview, then KGB chief Chebrikov stated that many opposition groups in Moscow act at the behest of foreign intelligence agencies. On the other hand, it has become much easier for Soviet citizens to invite American relatives and even friends to visit the U.S.S.R. as private guests.

Foreigners who decide to marry Soviet citizens are sometimes prevented from returning to the Soviet Union for the required registration of the intention to marry or the marriage itself, resulting in a "blocked marriage."

During 1988 jamming of Western radio broadcasts, including those of Radio Liberty in Russian and other Soviet languages, Deutsche Welle (German Airwaves), and the Voice of Israel, apparently ended. Most jamming of Voice of America Broadcasts ended in 1987, and jamming of Radio Liberty ceased on November 30, 1988.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press to the extent that it is in accordance with the "interests of the people and the strengthening and development of the Socialist system." During 1988 that last phrase was interpreted more broadly. The degree of glasnost' and the range of acceptable opinion have expanded considerably, even if they do not compare to Western criteria.

One illustration of the extent of change was the XIX Communist Party Conference at which close to 5,000 delegates sharply debated proposals concerning the pace and direction of reform in the Soviet Union. Television coverage was extensive and balanced. In particular, viewers were treated to a passionate confrontation between Politburo member Yegor Ligachev and former Moscow party boss Boris Yel'tsin. That confrontation underscored the differences between the conservative and reformist wings of the party on perestroika and left few doubts that such divisions extended to the highest party levels. Mainstream Soviet observers remarked that the conference marked the return of "real politics" to the Soviet Union.

The official Soviet media grew livelier in 1988, although they ultimately remained under party or government control. There is reportedly no longer any requirement to submit publications, films, and radio and television scripts for censorship to the Main Administration for Safeguarding State Secrets in the Media. Instead, it is the responsibility of individual editors to assure that their publications are in line with party policies and directives. This led in 1988 to a broader and sharper discussion of historical, social, economic, and political issues in the official media. Several publications adopted distinctive perspectives. Some, like the

illustrated weekly Ogonek, developed a reputation for investigative and daring journalism.

In place of formal censorship, the regime exercises guidance over the press through periodic meetings between party leaders and editors. Strict limits remain on what can be published: Lenin, socialism, the party as the social vanguard, and current Soviet foreign policy are still sacrosanct; the true size and structure of the military budget, and the number of prison inmates remain secret. In 1988 officials reprimanded editors who published articles pushing those limits, but there was no reported instance of an editor being fired for that reason.

Official Soviet journalists are subject to the discipline of the Communist Party and subordinated to the directives of their editorial superiors, themselves trusted members of the party. As such, they are not journalists in the Western sense but rather spokesmen for official government policies. Nevertheless, they are now able to voice their own opinions more frequently in signed articles for which they are held responsible. The policy of glasnost' has contributed to the development of investigative journalism, much to the discomfiture of local and economic officials. Soviet news media carried more, and more detailed, information on internal events, such as demonstrations and strikes, that was previously forbidden.

Unofficial publications (samizdat, or self-published) grew in number and sophistication during 1988, not only in Moscow and Leningrad, but in provincial towns such as L'vov, Pskov, Sverdlovsk, and Kuybyshev as well. Unofficial journalists established extensive networks that provide a constant flow of information on important public issues. Through such a network, The Express Chronicle, a weekly edited by Aleksandr Podrabinek, was able to maintain a steady flow of high quality information on the Soviet human rights situation for well over a year. In May some 50 unofficial editors of Soviet periodicals assembled in Moscow to discuss common problems and to organize a club to further their interests.

Neither explicitly permitted nor prohibited, unofficial publications exist in a gray zone. In the past, many of their editors and contributors would have been convicted for "anti-Soviet" activity and their publications suppressed. Under present conditions the future of these publications is unclear. Although there were no reports in 1988 that the authorities shut down any unofficial publication or imprisoned anyone for journalistic activities, editors and contributors for the more outspoken periodicals were harassed. They were detained, visited repeatedly by militia, threatened with prosecution for illegal use of government reproduction facilities, and attacked in the official media. In May, for example, the authorities raided the editorial offices of the unofficial journal Glasnost', edited by Sergey Grigor'yants, and confiscated much of the journal's archives and production equipment (including a sophisticated foreign-made personal computer). On a number of occasions, the central press accused him of working with foreign intelligence agencies. While he continued to publish Glasnost', it came out much less frequently than before. Vyacheslav Chornovil, the editor of the underground journal Ukrainian Herald, was threatened with arrest and pressured to leave the Soviet Union.

The Government relaxed somewhat the obstacles to foreign journalists. Official press conferences became a regular feature of life, and Western journalists said their access to Soviet officials was much improved. Some Western journalists were allowed to travel and interview in closed areas. Overt censorship of wire and satellite transmissions of news stories out of the country has become rare. Nevertheless, the authorities limited the activity of foreign journalists. In addition, they sometimes harassed selected foreign journalists, especially those who maintained close contacts with dissidents and refuseniks. Finally, the Government continued to circumscribe the circulation of non-Communist foreign newspapers, which are rarely available to average Soviet citizens.

All universities and research institutes are operated by the State or party; teaching and research must conform to official requirements. In areas such as foreign policy and contemporary Soviet history, restrictions on research and teaching reportedly are being relaxed. Access has been granted to many previously closed archives, and many books formerly banished to closed stacks have been moved onto open library shelves. Nevertheless, Soviet academics themselves acknowledge that the situation is still far from satisfactory.

The realm of the permissible in the field of culture continued to expand. A significant number of previously banned books and plays were published or staged, such as Pasternak's "Doctor Zhivago" and Grossman's "Life and Fate." Political satire by Soviet comedians became sharper, although generally within officially approved limits--for example, satirizing official corruption, mismanagement, or inertia.

b. Freedom of Peaceful Assembly and Association

The Government's toleration of demonstrations and unauthorized meetings made a quantum leap in 1988. The numerous mass meetings and marches that took place in Yerevan in 1988--one on March 8, officially estimated at more than 700,000 persons--were only the most prominent examples. Major nationalist demonstrations also took place in the Baltic republics. One that took place in October in Estonia drew over 300,000 persons--close to one-third of the Estonian ethnic population in Estonia. Demonstrations on a smaller scale were commonplace in Moscow and Leningrad and especially frequent in the weeks before the June party conference. Some proceeded peaceably; others were broken up by force, such as those by the Moscow People's Front and the Democratic Union in the center of Moscow on June 25. Organizations such as the Democratic Union, which exceed the limits of discussion that the party is willing to tolerate, have consistently been refused permission to demonstrate, and its leaders have been subjected to repeated administrative punishment for violating regulations on demonstrations. By midsummer, the Ministry of Justice had tallied some 250 unauthorized rallies, and the Ministry of Internal Affairs had counted some 600 rallies, including authorized ones.

On July 28, the U.S.S.R. Supreme Soviet Presidium issued a decree on "procedures for the organization and conduct of meetings, rallies, street marches and demonstrations in the U.S.S.R." The decree provides a legal basis for demonstrations, thus limiting official arbitrariness, and seeks to standardize official procedures for handling them. (During the past 3 years, both republic and local

jurisdictions had issued a variety of temporary regulations.) According to its provisions, demonstration organizers must apply to local officials 10 days before the meeting is scheduled, and officials must notify them of their decision at least 5 days before the scheduled date. Civil and criminal penalties were provided for those who participate in unauthorized demonstrations. The ensuing R.S.F.S.R. law of July 29 set stiff penalties: participation in unauthorized demonstrations is punishable by fines of up to $495 (at the December 1988 official exchange rate) and/or administrative arrest for up to 15 days. Repeat offenders may be fined up to $1,650, arrested for up to 15 days per offense, and/or sentenced to corrective labor for 30 to 60 days with a deduction of 20 percent of their earnings. If criminal responsibility is established, the law provides for deprivation of freedom for up to 6 months, corrective labor for up to 1 year, and a fine of up to $3,300. While many persons received fines of up to $495 and sentences of up to 15 days, no one is reported to have been sentenced under the stiffer penalties.

In implementing the law, the authorities gave permission to some gatherings, including those in the Baltic republics on August 23 and in Yerevan on several occasions in August and September, and in other cases cracked down on demonstrators. In November the authorities declared a state of emergency in Yerevan, banning all demonstrations; in December a number of leading Armenian activists were detained, presumably at least in part for the role they had played in organizing earlier demonstrations. In August the authorities in L'vov (Ukraine) moved to end demonstrations with nationalist overtones that they had permitted in June and July. In Moscow a small refusenik demonstration was broken up in August, and its participants were subjected to heavy fines and administrative sentences. The Moscow authorities also denied the Democratic Union permission to hold a demonstration commemorating the 20th anniversary of the Warsaw Pact's invasion of Czechoslovakia August 21. The Union decided to go ahead with the demonstration, and the authorities moved quickly to break it up; some 150 persons were detained, and many were fined or given administrative sentences of up to 15 days.

The Constitution grants citizens the right to associate in public organizations "in accordance with the aim of building communism." Previously, public associations were organized by the authorities or subject to their strict control, and the Government suppressed attempts to function independently. The situation began to change significantly in 1987 with the emergence of large numbers (the figure generally cited is 30,000) of unofficial or informal organizations that provided a forum for discussion of political, social, ecological, and other issues. Many of these clubs produce journals or bulletins; most actively support perestroika.

In 1988 this movement took a major step forward with the formation of large organizations for political action. In May the Estonian People's Front for the Support of Perestroika emerged out of a meeting of the creative intelligentsia. Nationalist in orientation, the Front claims some 100,000 members, a significant percentage of whom are Communist Party members. Similar organizations emerged in the other two Baltic states during the summer, and all three held founding congresses in October. So-called people's fronts also emerged on a lesser scale in Ukraine, Moldavia, Georgia, Byelorussia, Moscow, Leningrad, and Yaroslav'.

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In May a self-avowed "opposition political party," the Democratic Union, was founded in Moscow primarily by Moscow and Leningrad dissidents. The authorities disrupted some of the sessions of the founding conference, detained a number of the participants, and allowed some to emigrate. Although the Government has continued to harass the group, it has not moved forcibly to suppress it. The Moscow and Leningrad branches each publish their own bulletins.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution guarantees the "right to profess or not to profess any religion and to conduct religious worship or atheistic propaganda." The right to conduct religious worship and the right to make atheistic propaganda are not equivalent, however, since the former right does not include the right to conduct "religious propaganda," i.e., to engage in public defense of religious values or to rebut official attacks on religion. Moreover, extensive legislation and administrative regulations on "religious cults" place additional restrictions on freedom of religion. This legislation is now under review and draft legislation is expected in 1989.

The Government, however, displayed a much more tolerant attitude toward mainstream religion, particularly toward the Russian Orthodox Church. The State was a full participant in the Church's celebration of the Millennium of the Baptism of Kievan Rus' in Moscow in June. On this occasion, General Secretary Gorbachev remarked that believers are patriots and not second-class citizens, leading some to hope that restrictions on religious activities may be reduced. Worshipers at Russian Orthodox Easter services were not subjected to the harassment of past years. General Secretary Gorbachev met with a number of Church hierarchs in May. The media gave substantial and favorable coverage to the Millennial celebrations. Earlier, a portion of the Easter service at the Patriarch's Church in Moscow was broadcast over Soviet television. Overall, articles on religious themes became commonplace. Government harassment during unofficial seminars on religious affairs that took place in Moscow at the time of the Millennial celebrations was minimal.

Registration with the Soviet Council on Religious Affairs is required for religious groups of 20 adults or more. The State is able to limit the number of congregations since the authorities reserve the right to grant or withhold registration. Their refusal to grant registration has been used to deny legal status to entire religious denominations, for example, to the Ukrainian Catholic (Uniate) Church since 1946. In May the Council on Religious Affairs allowed the Moscow community of Hare Krishnas to register; in December the Riga Hare Krishna community was allowed to register, but other communities have been unsuccessful in attempts to register. Once registered, religious congregations must accept strict regulations which prohibit proselytizing, religious discussion and Bible study groups, charitable activity, and formal religious training for children. Participation in religious ceremonies is cause for exclusion from the Communist Party. Existing seminaries and other institutions of clerical education and the numbers of students permitted to pursue a religious vocation do not provide a sufficient body of trained clergy for officially registered denominations. Although in

1987 the authorities rescinded the requirement that priests register all baptisms with the State, in many areas outside Moscow and Leningrad priests continue to do so.

Many groups of believers refuse to register officially on the grounds that much of the legislation affecting "religious cults" contradicts the tenets of their religious beliefs. Others, such as the Uniates, are refused the right to register. Unregistered believers, such as some Baptists, Jehovah's Witnesses, Seventh-Day Adventists, Pentecostalists, and Hare Krishnas outside of Moscow, are subject to repressive measures, including harassment at school or place of employment, denial of access to housing, dismissal from work, and imprisonment.

In Ukraine, the Uniates are still subject to severe repression, even though Soviet officials in Moscow claim that their legal status is under review. Several Uniate Easter services in western Ukraine were broken up by force. Dissident sources report that after the publication of the U.S.S.R. Supreme Soviet decree on demonstrations and meetings late in July, the authorities began to use the decree to break up Uniate services as unauthorized meetings and demonstrations.

Repression of the Hare Krishnas eased significantly during 1988. For the first time, the Krishna communities in two cities were officially registered. Nevertheless, at year's end Moscow authorities had still refused to authorize local Hare Krishnas' renting a place of worship, and the militia had beaten and detained on at least one occasion Hare Krishna who had gathered outdoors in downtown Moscow. In December the last three known Hare Krishna prisoners of conscience, Vladimir Kystrya, Yevgeniy Lyubinskiy, and Agvan Arutyunyan, were released. Official and officially tolerated harassment of sect members reportedly continued throughout 1988.

Pressure on the Roman Catholic Church in Lithuania eased somewhat in 1988. The cathedral at Vilnius, which had been converted into an art gallery in 1950, was returned for religious use, and several bishops were allowed to visit the Vatican.

Although only a small number of mosques are open for use in the Muslim regions of Central Asia and Azerbaijan, Islam appears to retain a strong hold on the population. Unofficial mullahs, who function without government permission, are often subject to official pressure. Soviet press condemnations of foreign (mostly Iranian) Islamic radio broadcasts and continued jamming of these broadcasts reflect concern on the part of the authorities. Official propaganda efforts are tailored to bolster atheism among the Muslim peoples of the U.S.S.R. and advocate secular Soviet ceremonies as substitutes for religious observances on the occasion of births, marriages, and deaths. According to reliable Soviet dissident sources, over 30 Moslems are in custody on religious grounds.

The authorities exert wide-ranging pressure, including through the official media, to discourage religious belief in general among Soviet citizens. The Communist Party is, according to its rules, an atheistic organization. Membership in the party, considered incompatible with religious belief, is in effect a requirement for advancement to most positions of authority or prestige in the country. Thus the authorities have virtually excluded practicing believers from attractive

educational opportunities and many career paths available to nonbelievers.

Only a few religious publications of controlled content, such as the Vestnik of the Russian Orthodox Patriarchate, are officially allowed to appear. Two unofficial orthodox publications that appeared in 1987, Bulletin of the Christian Community and Choice, have so far been tolerated. Uniate, Lithuanian Catholic, and Baptist unofficial journals continue to be repressed. The practice of religion is discouraged by strictly applied limitations on the number of sacred books, such as the Bible or the Koran, which may be printed. The Soviet Government eased restrictions on the importation of Bibles last year. In August it was announced that there were no longer any customs regulations restricting the importation of Bibles because of their religious content, although laws against speculation continued to limit the numbers that could be imported. Many packages containing Bibles and religious books continue to be seized, and visitors to the Soviet Union continue to have religious books in Russian confiscated at the border.

Books in Hebrew still may not be printed in the Soviet Union. The authorities began to relax the ban on teaching Hebrew in 1988. By year's end, plans were under way to offer public classes in Moscow at a foreign-language teaching facility and in proposed Jewish cultural centers.

In addition to the profound shortage of synagogues, there is also a shortage of Jewish cemeteries consecrated for religious purposes. Religious ritual articles, such as phylacteries, have not been legally imported, and no training facilities exist to teach the religious scribal arts needed for their manufacture in the U.S.S.R. A small seminary, or yeshiva, for the study of traditional Jewish law, or talmud, at the main synagogue in Moscow is the only such institution for over 2 million Jews, and it reportedly has 10 students. There is no rabbinical seminary in the Soviet Union. Discussions with interested outside groups began over maintenance of and access to gravesites of ancestors and Jewish religious leaders.

The number of clergymen and places of worship today is only a small fraction of the number which existed before the October 1917 Revolution. At the same time, Soviet officials recognize that up to 70 million Soviet citizens adhere to some religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor respected in practice. Official statements, most notably that of General Secretary Gorbachev before the United Nations in December, indicate that a new law on emigration will substantially improve freedom of movement abroad. The draft of that law had not been published by year's end, however. Although citizens are generally free to move about within the country, travel in certain areas (e.g., frontier regions or areas of military significance) requires special permission. All adults are issued identity documents or internal passports which must be carried on their person during travel and used to register visits of more than 3 days with the local authorities. Although only about 20 percent of Soviet territory is formally closed to travel by foreigners, outside of major urban centers most of the remaining territory is in

practice difficult to visit or inaccessible and is therefore de facto closed to travel by foreigners.

The right to choose one's place of residence, although formally provided for by law, is subject to restrictions. Everyone is required to register his or her place of residence. The authorities limit the number of residence permits in an increasing number of large cities, including Moscow, Leningrad, and Kiev, where housing is at a premium. In the summer of 1988, residency permits became a problem for intending emigres. Soviet citizens who request to emigrate give up their housing and residency permits in the latter stages of the emigration process. Because Soviet authorities often process exit applications well before the emigre has obtained permission to enter another country, the emigre is often in a no man's land--cut off from access to Soviet housing and services, yet not allowed to emigrate. During 1988 intending emigres, waiting to conclude entry formalities for other countries, reported harassment from police for renting rooms and remaining in Moscow without residency permits, which they had relinquished in order to obtain exit visas.

An unpublished directive issued by the U.S.S.R. Council of Ministers in August 1985 (the text became available from unofficial sources in 1986) excludes from the city of Moscow citizens convicted of certain offenses, including all the "political" articles of the criminal code, unless the person has been pardoned or granted amnesty. Two prisoners released in 1987, Galina and Vasiliy Barats, were denied residence permits in Moscow on these grounds, and Vasiliy was deported to Trans-Carpathia in the spring. Galina spent most of 1988 locked in some friends' apartment, fearing she too would be deported. At year's end, however, the Moscow authorities agreed to give the two a residence permit.

To travel abroad, Soviet citizens must have a special passport for foreign travel and an exit visa, usually valid for 6 months, specifying the destination for each trip. In the late spring of 1988, however, Soviet passport authorities ceased to specify the amount of time a citizen is permitted to remain abroad. As a consequence of new Soviet entry-exit regulations, which became effective on January 1, 1987, travel both on officially sponsored trips (for business, academic exchange, or tourism) and on private family visits has increased. During 1988 more than 20,000 nonimmigrant visas were issued to Soviets traveling to the United States on business or pleasure, almost four times the number issued in any previous year.

During 1988 some persons without relatives abroad were allowed to travel abroad to visit friends. However, Soviet citizens usually can travel on private visits to the West only if they receive an invitation from a friend or relative who undertakes all financial responsibility for the trip. Currency regulations and requirements to purchase tickets in rubles also restrict travel opportunities, even if formal exit permission is granted.

While Soviet authorities claim that they are encouraging travel abroad to visit relatives, routine permission to travel is still far from commonplace. Lengthy formalities, an unresponsive bureaucracy, as well as arbitrary denials for reasons of security continue to discourage many from attempting a private trip.

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During 1988 thousands of Soviet citizens residing abroad permanently as well as former Soviet citizens were permitted to return on short family visits or for other reasons. This trend, which began in 1987, continued to grow rapidly during 1988.

The right to emigrate is restricted, as Soviet law does not recognize the right of citizens to emigrate by choice. While the Soviet Union has signed the Helsinki Final Act and other international documents in which the right to leave one's country and return thereto is recognized, the Soviet system continues to restrict emigration (with very few exceptions) to those citizens desiring family reunification with immediate relatives abroad, and even those with immediate relatives abroad are not always permitted to emigrate. In 1987 this restriction was codified, although substantial numbers of Jews, Germans, Pentecostals, and Armenians emigrated in 1988 without regard to this requirement. A number of former political prisoners were given the option of emigrating in 1988, although they had no claim to family reunification. In September Soviet officials told U.S. officials that elimination of the first-degree relative requirement was being considered as part of proposed new legislation on emigration.

The most frequently used barrier to emigration, aside from the requirement of an invitation, is the requirement that prospective emigrants should have had no access to "secrets." In many cases, persons have been denied exit permission although they have had no access to "secrets" for more than 10, and in some cases 15, years. In a few cases, denial has been based on mere possession of a clearance, although there was never any access to classified information. The application of this restriction is often quite arbitrary. Some persons, such as Alexander Pyatetski, have been regularly denied exit permission while coworkers and supervisors who enjoyed equal or greater access to "secrets" have been allowed to emigrate. In recent months, the Soviets have responded to U.S. efforts to resolve the most difficult cases by lifting the security restrictions of up to 120 persons, including Aleksandr Pyatetskiy.

Another barrier to emigration is the requirement that family members sign release forms for their children--meaning that they may refuse to release an adult child from financial or moral commitments. Soviet officials indicated in September that a new process of judicial review in such cases would be provided for by the expected new law on emigration. The family of American citizen Abe Stolar had been refused for 16 years for this reason. In December Soviet officials informed the Embassy and Abe Stolar's family that the mother of his daughter-in-law had signed the release form and the entire family would be allowed to emigrate. As of January 1, 1989, the Stolar family had still not received their exit documents, but Soviet officials continue to assure U.S. officials and the Stolar family that they will be allowed to emigrate.

Although many of the long-standing refusenik cases were on the way to resolution at year's end, there remained a substantial number of Jews who have waited for many years to emigrate. Official Israeli sources estimate that there are approximately 370,000 Soviet Jews who have requested the letters of invitation (vyzovs) necessary to apply to emigrate. These sources also argue that, if emigration restrictions were lifted, many more Jews would apply to emigrate, especially if

the perceived increase in anti-Semitism, as exemplified by activities of groups such as Pamyat', continues.

The uncertainties involved in applying to emigrate, including possible loss of employment (if security-related work is involved), harassment, social ostracism, and long delays, continue to dissuade many Jews from attempting to submit an emigration application, although the situation has vastly improved. In 1988 it was rare that a person not employed in security-related work lost his job when submitting an emigration application. The vast majority of those applying for visas for the first time were approved, and social ostracism eased considerably for would-be emigrants. Jewish emigration in 1988 totaled 19,292, up substantially from 8,155 in 1987 and the highest yearly total since 1979, when 51,000 Jews emigrated.

During 1988 over 10,000 Soviet Armenians emigrated to the United States. This represents a dramatic increase over the 1987 figure of slightly more than 3,000 Armenian departures for the United States.

More than 45,000 Soviet ethnic Germans were permitted to leave the Soviet Union in 1988 for the Federal Republic of Germany. This figure, again, represents a dramatic increase over the previous year's 14,000 departures.

Soviet authorities in 1988 resolved a significant number of divided family cases affecting the United States, France, the United Kingdom, and Australia. In January there were 4 separated spouses, 3 blocked marriages, 18 dual nationals, and 106 divided families on a U.S. Government list of families who are actively seeking to join relatives in the United States and who have been refused exit permission by the Soviet Government. Currently, 7 Soviet families, numbering some 11 persons, are on this list. This includes one separated spouse and 6 divided families. Additionally, Soviet authorities have agreed to a mechanism to allow the 8 remaining dual nationals, who have been denied permission to return to the United States in the past, to leave. Ten other divided families remain on the U.S. list, but their cases require further clarification.

In 1988 Soviet authorities continued a trend begun in 1987 to permit emigrants to return for tourist visits to the U.S.S.R., both those who had retained Soviet citizenship and Soviet passports and those--primarily Soviet Jews who had emigrated on Israeli vyzovs--who had been stripped of Soviet citizenship. However, those who had obtained a second citizenship were not permitted a grace period to determine if they wished to return permanently. As soon as a returning former citizen requested housing or medical services or even a residency permit, local authorities required the surrender of the Soviet foreign travel passport or Soviet exit visa and the acceptance of an internal passport before services could be made available. This created extreme hardship for many persons who needed more time than their tourist visa permitted to determine if they could resettle in the community they had left.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Soviet citizens are not free to change their system of government. Ultimate political power is vested in the Communist Party, which is a self-selecting, self-perpetuating

hierarchy controlling virtually every element of political expression at all levels. The Constitution provides that the party is the "leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations and public organizations." Ordinary citizens have little opportunity to influence the actions of the party. Actual power within the party flows from the top (the General Secretary, the Politburo, and the Secretariat), thus allowing relatively small groups of party officials and leaders to control the decisions of subordinate bodies. Traditionally, elections to the Supreme Soviet (parliament) have been a formality since they have been based on a single list of party-approved candidates and voting has been public. The XIX Communist Party Conference in June, however, recommended reforming the electoral system to include secret balloting and multiple-candidate elections at all government and party levels. Establishment of a Congress of People's Deputies, which will elect a permanent parliament with broader powers, was proposed in 1988. Elections were announced for March 1989, with the Congress to convene in April 1989.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Soviet authorities have adopted a more forthcoming approach to foreign criticism of their human rights record, acknowledging problems and stating their desire to make their society more "humane." They have also acknowledged that the human rights situation in the U.S.S.R. is subject to discussion in official bilateral and multilateral contacts. They have begun to permit foreigners, on a very limited, controlled basis, to investigate the status of human rights in the U.S.S.R. They permitted a visit by the International Helsinki Federation in January. In December the authorities arranged a visit to Perm' labor camp 35 for New York Times columnist Abe Rosenthal, New York Times correspondent Phil Taubman, and Helsinki Watch official Cathy Fitzpatrick.

Authorities also permitted tourist visits by members of Christian Solidarity International and the Frankfurt-based International Society for Human Rights. These visitors were allowed to meet freely with dissidents, refuseniks, and others. Members of the Soviet Human Rights Commission (described as a nongovernmental organization (NGO) by the Soviets, although clearly an officially organized body) met with the International Helsinki Federation in Paris and informally with Amnesty International (AI) representatives. The Soviet Union committed itself in the Conference on Security and Cooperation in Europe forum to permit NGO's to attend an official human rights conference in Moscow, if one is held.

Soviet authorities have not been willing to communicate officially with AI, although they permitted a tourist visit in 1988 by two AI representatives. The authorities suppressed the Moscow chapter of AI, alleging that it worked with Western intelligence agencies against the Soviet Government.

The Soviet Government has cooperated with the United States in investigating alleged war crimes committed during World War II by persons who are now citizens or residents of the United States. It has permitted the U.S. Government to take depositions from witnesses in the U.S.S.R. and has provided documentation for use in U.S. courts.

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Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for the equal status of all Soviet citizens, regardless of nationality, sex, or language. Soviet reality falls far short of the constitutional ideal; indeed, discrimination along national, sexual, and linguistic lines is actively practiced. Along with social status, those factors deeply affect a Soviet citizen's opportunities.

The Soviets recognize more than 100 nationalities in the U.S.S.R., and the Soviet federal system is based on nationality. Many ethnic groups have territorial and administrative entities: the 15 Soviet Union republics, some of which were formerly independent countries, represent some of the largest and most developed nationalities. Other, smaller nationalities have autonomous republics, oblasts, or districts, but some 55 million Soviets live outside their nationality's administrative region or belong to a nationality that has none. The national rights of these Soviets have not been adequately addressed, as even Soviet officials now admit.

At the XIX Communist Party Conference in June, General Secretary Gorbachev admitted that earlier Soviet claims that the Soviet Union had no nationality problem were mere pretense. A government commission established in 1987 to study Crimean Tatar grievances continued its deliberations in 1988. A high-level commission was set up earlier in 1988 to consider the grievances of the Armenian population of Nagorno-Karabakh in Azerbaydzhan. The leaderships in the Baltic republics now pay close attention to national demands, and the Estonian leadership in particular has even declared sovereignty and represented national interests in talks with the central leadership in Moscow. At the same time, there was a major public debate over nationality policy. Bilingualism, fears of Russification, the rights of national minorities outside their administrative regions, and similar topics have all been widely discussed in the central and republic press.

The Crimean Tatars, a Muslim minority forcibly deported from their historic Crimean homeland to Central Asia in 1944, continued to seek repatriation and the reestablishment of a Crimean autonomous region. After major Crimean Tatar demonstrations in Moscow in 1987, the Soviets established a commission headed by Andrei Gromyko to study their grievances. Parallel commissions were established at lower levels in areas with compact Crimean Tatar populations, such as Uzbekistan and the Kuban'. The Gromyko commission issued a statement in June rejecting Tatar demands for the reestablishment of a Crimean autonomous region as unfounded and approving only limited opportunities for return to the Crimea. On the other hand, the commission recommended that more be done at the local level to meet Crimean Tatar national and cultural demands. Accordingly, Tatar-language newspapers and radio and television broadcasts were increased at the local level, and instruction in Crimean Tatar was made available at a number of schools.

Crimean Tatar activists, however, remained dissatisfied with the Government's response. Demonstrations and meetings were held frequently in and around Tashkent and in Krasnodar Kray to press demands. Most of these proceeded peacefully. The authorities, however, thwarted Tatar attempts to stage major demonstrations in Moscow throughout the year, principally by deporting activists from Moscow back to their places of

residence. Tatar activists' efforts to call a general strike among Tatar workers to press their demands in June and July were met with responsiveness only in Krasnodar Kray, although even there activists judged the strike itself a failure.

At the same time, current Soviet policy continues to promote Russification and Russian domination. Mastery of the Russian language is a necessity for social advancement. Russian is almost exclusively the language of scientific and technological discourse. Government business is conducted in Russian almost everywhere; only in the Caucasus and in the Baltic republics do the languages of these indigenous populations enjoy the status of official state languages.

The situation in the Ukrainian Soviet Socialist Republic exemplifies the extent of Russification. The number of Ukrainian-language schools has declined in many areas, particularly in the industrial southeast, but some new ones were opened in 1988. Ukrainian history, culture, and religion are often ignored or distorted, though dissident sources in Ukraine report the authorities are devoting more positive attention to this issue of late. While the percentage of Ukrainian-language publications remains significantly below the percentage of Ukrainian speakers in the population, the publication of certain Ukrainian-language materials rose in 1988.

The Soviet Government is considering the expansion of German-language education, newspapers, and broadcasts in areas where ethnic Germans are concentrated, as well as liberalizing permission for increasing numbers of ethnic Germans to make private visits to family members in the Federal Republic of Germany. The absence of these reforms is widely seen as a major reason for the continuing increase in ethnic German emigration.

Few ethnic minorities are seen in the highest levels of nationwide organizations, academic, or governmental bodies, though they tend to dominate their own local organizations, including at the republic level. Although they are for the most part assimilated, Jews are largely absent from positions of leadership. Of the 21 top leaders--full and candidate Politburo members and Central Committee Secretaries--only 4 are non-Russians.

During the Brezhnev period, a quota system was used extensively throughout the Soviet Union as part of a broader nationality policy. Some ethnic groups, such as the Central Asians, benefited significantly from that policy, as they obtained positions in universities and middle-class occupations that they would not have obtained had merit been the main criterion. Other groups, most notably Jews but also Russians outside the R.S.F.S.R., suffered. General Secretary Gorbachev has moved against the quota system, in part out of the belief that it had fostered deep-seated corruption in many parts of the country. That move has improved the situation of Jews; although discrimination still exists in admissions to universities, for example, dissident sources claim that restrictions have been eased. At the same time, those ethnic groups that benefitted from Brezhnev's "affirmative action" program have begun to lose substantial privileges and opportunities.

While still far from satisfactory, official toleration of expressions of Jewish cultural life increased during 1988.

Jewish culture clubs received official approval in Leningrad and Minsk, an unofficial Jewish museum was established in a Moscow apartment, and a Jewish library in another. A cooperative restaurant featuring Jewish cuisine and entertainment opened in Moscow. However, a rabbinical school, agreed to in principle by the Soviets in May and again in October, has not yet opened. Neither has the promised cultural center adjacent to the Moscow synagogue nor the promised Yiddish theater. Official efforts to reduce anti-Semitism continued. Znamya, Pravda, and Vechernyaya Moskva all carried articles highly critical of the Russian nationalist and virulently anti-Semitic "Pamyat'" society. In the summer, the Leningrad authorities began to deny "Pamyat'" permission to hold demonstrations and meetings, even though rumors persisted that the society enjoyed high-level support there.

There were reports that the Anti-Zionist Committee was disbanded. At the same time, official publications still attacked many Jewish activists as "Zionists," which aggravates anti-Semitism. Efforts to establish a Jewish cultural association in Moscow have met with failure, and the leader of the informal association, Mikhail Chlenov, was attacked in the press.

Women nominally enjoy the same legal rights as men, including the right to participate in all areas of social, political, and economic life. An extensive system of day-care service and maternity leave benefits enhances the ability of women to retain employment. Virtually all women, however, have no choice but to work both inside and outside the home. Women bear the main brunt of the hardships of Soviet daily life, such as waiting in long lines for food products. Women hold a disproportionate percentage of low-level jobs, such as street-sweeping. The difficulty of women's lives has begun to be discussed in the Soviet press. General Secretary Gorbachev has shown sensitivity to this problem in his public statements and appears to be interested in improving women's lot. Perhaps indicative of the Kremlin's concern, Aleksandra Biryukova was promoted to candidate membership of the Politburo at the September Central Committee plenum. She is the first woman to enjoy membership in that body since Yekaterina Furtseva in the Khrushchev era (1956-61).

Men occupy the great majority of leading positions in most professions, especially politics. At present, there are no women serving as full Politburo members or Secretaries of the Central Committee. Only 12 of 305 full members of the Central Committee of the Soviet Communist Party are women. And only a single Soviet ambassador is female.

Most members of the Soviet elite (the party, the military, the diplomatic service, the scientific-technical intelligentsia, and the cultural and sports establishments) are shielded to various degrees from social and economic hardships. They have greater access than the average Soviet citizen to quality food and consumer goods, special medical facilities, the best schools, foreign travel, automobiles, country houses, and paid vacations at choice resorts. In 1988, however, a number of special stores for the elite were closed down, including one in Moscow that served members of the Central Committee and Council of Ministers. These stores subsequently reopened with a substantial reduction in offerings of imported goods. Better than average supplies of domestically produced consumer goods are still sold in these stores, however. Also, some

special clinics formerly reserved for the elite have been opened to a broader public, including one in the Moscow area that has been turned over for the treatment of disabled veterans of the Afghanistan conflict.

Section 6 Worker Rights

a. The Right of Association

In the Soviet Union, there is no right of association as defined by the International Labor Organization. Although approximately 30 functional trade unions exist in the U.S.S.R., encompassing virtually the entire Soviet labor force, all of these fall under the direction of the officially sponsored All-Union Council of Trade Unions (AUCCTU), a governmental umbrella mass organization which advances Soviet and Communist international labor interests. The AUCCTU serves primarily as a means of political indoctrination, control, and propaganda; neither it nor its constituent organizations actually advance worker interests. In a mid-1987 poll by the newspaper Sotsialisticheskaya Industriya, only 9 percent of the 11,500 workers questioned approved of the work of their trade unions. Only 7.3 percent gave management a favorable rating. Even the official trade union organ, the newspaper Trud, has commented on the need for unions to play a more active role in defending workers' interests. In the October 4, 1988, issue of Trud, for instance, a Kazakh trade union official noted worker characterization of trade unions as being "toothless" and unable to defend worker interests.

A fledgling and small-scale independent trade union movement exists in some Soviet cities, despite the disapproval of Soviet authorities. The Free Interprofessional Union of Workers (SMOT) was decimated by arrests and forced emigration in the late 1970's and early 1980's, but it has resumed a limited level of activity following the pardon of some of its organizers in 1987. In an early 1988 interview with a British newspaper, a SMOT leader said SMOT had 400 members in Moscow, Leningrad, Riga, Kaliningrad, and Sverdlovsk. The Soviet press reported on the actions of the Leningrad informal group, "Committee for the Democratization of Trade Unions" (KDP), in early 1988. The KDP championed the cause of a dissident employee at a Leningrad factory who led protests against occupational safety hazards, was fired, but later reinstated with damages paid after Moscow authorities intervened. In addition, a group of unofficial editors and correspondents organized by the editor of the dissident publication Glasnost' has applied for affiliation with the International Federation of Journalists. The group claims some 40 members. It remains to be seen how far any of these incipient independent trade organizations will be allowed to go in advancing workers' interests.

The right to strike is not recognized, and strikes are still rare despite the loosening of Soviet society. Nevertheless, in Nagorno-Karabakh and Yerevan, Armenians conducted major prolonged strikes at various times to push an explicitly political demand: Karabakh's transfer to Armenia. Despite the severity of the economic dislocation and the economic losses to enterprises elsewhere in the Soviet Union, the authorities did not put the strikes down with force. Rather, they entered into a major effort--as yet unsuccessful--to resolve the Karabakh issue to the satisfaction of all parties. Shortly after the December 7 earthquake, Armenian

organizers suspended their strike activities to focus on relief to the victims.

Purely economic strikes took place, for example in Omsk, where truck drivers struck in February to show their lack of confidence in their depot's leadership, and in Kishinev, where bus drivers struck over work conditions in May. In December 1987, workers at the Yaroslavl Motor Manufacturing Plant held a sitdown strike against being forced to work 20 Saturdays in 1 year; the number was reduced to 8. In most cases, the authorities entered into negotiations with the strikers. The media gave substantial coverage to a number of these strikes.

b. The Right to Organize and Bargain Collectively

Under terms of the June 1987 "Law on State Enterprises," managers can fire excess labor and divide the wage fund among fewer workers, thereby raising salaries. Soviet authorities have stated publicly that they anticipate 16 million workers will be "released" from their jobs by the year 2000 and 3 million in the current 5-year plan, which concludes in 1990. As the Soviet Constitution guarantees the right to work, those released theoretically will be retrained for other jobs, sometimes requiring relocation.

In disputes about these and other employment issues, workers may not resort to collective bargaining as practiced in the West. Soviet workers' interests generally are represented by leaders of the local chapter of the official trade union, and local chapter party officials. These representatives are subordinate to government and Communist Party officials, respectively, and thus do not necessarily represent workers' interests fully. There are no economic incentive zones or special industries where labor standards differ from those elsewhere in the country, although the concept was being discussed in 1988.

c. Prohibition of Forced or Compulsory Labor

Most political prisoners, as well as most ordinary criminals, are confined to camps where they are forced to labor, often under harsh and degrading conditions, on Soviet developmental projects and to assist in the production of primary and manufactured goods. Goods are manufactured on behalf of nearby factories and are included in those factories' quotas and production statistics. Prisoners are theoretically paid the same wage as factory workers, but up to 90 percent of their pay goes to prison authorities, supposedly to cover the cost of their maintenance, according to the corrective labor code of the R.S.F.S.R.

d. Minimum Age for Employment of Children

The statutory minimum age for employment of children is 16, and the standard workweek is 40 hours. There is no indication of widespread violation of these norms, though the popular and progressive Soviet journal Ogonyok recently reported in a series of articles on the exploitation of child labor in some Central Asian textile plants.

e. Acceptable Conditions of Work

According to the Soviet state statistical committee, the average monthly wage for blue- and white-collar workers in mid-1988 was $350 and for collective farm workers $250 at the

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December 1988 official exchange rate. (The ruble is not a convertible currency, and its value here in terms of the U.S. dollar does not represent actual purchasing power for international comparison.) The mean wage, however, is estimated by Western observers to be in the area of $200-250 per month, and a third of all Soviet families get by on less than $165 per month. Labor performed under dangerous conditions, such as in mining or metallurgical enterprises or in harsh climates such as Siberia and the far north, is rewarded with percentage bonuses which can raise wages to $500-600 per month--somewhat offset by substantially higher living costs in these remote areas. General Secretary Gorbachev has supported efforts to raise the prestige of professions that are crucial to scientific and technical progress, such as design engineers, business managers, and teachers, by raising salaries. Wages in the health sector have also increased in the past year.

The average workweek is 40 hours for most white-collar workers and 48 hours for blue-collar workers. In addition, workers are required periodically to "donate" a working Saturday for which they receive no pay. For blue-collar workers, this means an unpaid day at the factory; white-collar workers are expected to put in time cleaning up their neighborhoods and performing other social services. Labor resources frequently are drawn at harvest time on a paid and unpaid basis from educational institutions, the military, office workers, and other city residents for work in the fields. Annual leave for vacations varies according to a number of factors, but most Soviet citizens receive 4 weeks or more of paid vacation each year.

Monetary wages earned in the state sector do not tell the whole story of remuneration in the Soviet Union, however. The State supplements wages by heavily subsidizing the cost of basic foodstuffs (especially meat, milk and bread), education, health care, housing, and transportation--all of which are provided free of charge or at nominal cost. Soviet experts have published estimates that these services amount to about $132 of remuneration per worker per month.

Soviet law establishes minimum conditions of health and safety. Press reports, however, suggest that laws on health and safety standards are widely ignored, as are those regarding maximum hours of work.

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The United Kingdom (UK) of Great Britain and Northern Ireland is a constitutional monarchy with a multiparty, parliamentary, democratic form of government. As there is no written constitution, human rights are "residual," i.e., assumed unless limited by statute. Human rights traditionally have been respected and guarded by the British people and their elected governments. British law bars discrimination on the basis of race, religion, sex, or political opinion.

The United Kingdom has a highly developed industrial economy. Persons may own property and pursue their economic interests, and the Government provides comprehensive social welfare programs.

Throughout the UK, public order is maintained by a civilian police force. However, in Northern Ireland, as a result of terrorist violence, the Royal Ulster Constabulary (RUC) is supported by regular army units to combat terrorism.

On November 15, 1985, the British and Irish Governments concluded the Anglo-Irish Agreement (AIA). The Agreement affirms that the status of Northern Ireland as a part of the United Kingdom can only be changed by the wishes of a majority in the North. It also provides for an Intergovernmental Conference to discuss the two Governments' views on Northern Ireland affairs. The Conference has met regularly since its inception and has given particular attention to enhancing security cooperation. Although intended to safeguard the rights and traditions of both Protestant and Catholic communities in Northern Ireland, the Agreement has met strong opposition, particularly from Protestant Unionists.

The Northern Ireland Assembly was suspended in July 1986, and no new elections have been scheduled to reconstitute it.

The UK's long tradition of respect for human rights has been tested by terrorist activity and sectarian violence in and related to Northern Ireland. Paramilitary groups on both sides of the conflict continued their campaigns of violence, and the level of terrorism in 1987 and 1988 rose to equal that of the early 1980's. The Government proposed changes to the general law on evidence in Northern Ireland that would affect the traditional right to silence of accused persons by permitting the courts to draw whatever inference they deemed proper if a subject remained silent during questioning. While concerns over aspects of police procedure, detention, and judicial practices vis-a-vis Northern Ireland were expressed, the Government and the judicial system provided avenues for inquiries and remedial actions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The British Government does not practice or condone killing for political motives. It reported that, during 1988, 93 persons were killed in incidents of terrorism in Northern Ireland, 39 of whom were members of the security forces. Six persons were killed by security forces. The Provisional Irish

Republican Army (PIRA) admitted that four of these were engaged in terrorist operations at the time.

Security forces in Northern Ireland continue the use of plastic baton rounds (PBR's or plastic bullets) for riot control. Two people have been killed by PBR's since 1982, but none in the past 2 years.

Three incidents in 1982 in which RUC officers killed six men gave rise to allegations that the security forces in Northern Ireland practiced a "shoot-to-kill" policy when dealing with suspected terrorists. Four RUC officers involved in the shootings were tried for murder and acquitted. Manchester Deputy Chief Constable John Stalker began a special investigation in 1984 but was removed in 1986 and replaced by another senior UK police official, Colin Sampson. Stalker alleged in his book, "Stalker," that his inquiry was obstructed by the RUC and that he was removed to prevent further investigation. However, he acknowledged that he "found no evidence of instructions to any RUC officer in Northern Ireland to use other than legitimate methods to bring offenders to justice."

In January the Government announced that, although the Stalker/Sampson inquiry found evidence of perverting or attempting to pervert the course of justice, those RUC officers involved would not be prosecuted, though they may face disciplinary action. The Government cited considerations of security as the basis for its decision and stated that the Stalker/Sampson Report would not be published. Its announcement stimulated renewed demands for a full judicial inquiry into disputed killings and for a review of legislation governing the use of lethal force by security forces.

The Northern Ireland police authority decided that there was insufficient evidence to launch an investigation to determine if top RUC officers had obstructed the Stalker-Sampson inquiry. The police authority announced, however, that 20 RUC officers would face disciplinary action over charges that they had hindered the investigation.

The UK Government's Northern Ireland Secretary of State, Tom King, said proper procedures had not been followed in investigating the 1982 shooting incidents, that there was a failure to provide full and accurate information to the director of public prosecutions, and that the RUC Special Branch had operated as a "force within a force" without adequate control and accountability. King promised wide-ranging changes in RUC operational procedures, particularly as they relate to the Special Branch.

In February a civilian, Aidan McAnespie, was killed by a ricochet bullet from a weapon fired by a British soldier at a checkpoint on Northern Ireland's border with the Republic of Ireland. The soldier was released from custody in September after the Northern Ireland director of public prosecutions declared that the evidence did not warrant a prosecution for manslaughter.

In April 1987, the Government announced a decision to draft, publish, and bring into force a code of practice for the exercise of emergency powers by the RUC and armed forces in Northern Ireland. The code, now expected to be published early in 1989, will address the emergency powers available to the RUC and the armed forces and how they should be exercised.

In addition, in April 1988, a new code of conduct for the RUC was issued. The code addresses the treatment of members of the public and prisoners, the use of physical force, cooperation with officials outside the organization, and the conduct of a police officer's private life. The code stresses the RUC's commitment to carry out its duties without regard to status, sex, race, religion, political beliefs, or aspirations.

On March 6, security forces in Gibraltar shot and killed three unarmed members of the PIRA who were on a bombing mission. Critics of the shootings claimed that the three were the victims of a "shoot-to-kill" policy and called on the UK Government to provide public clarification of the circumstances surrounding the incident. A Gibraltar coroner's inquest found in September that the killings were justified under law.

b. Disappearance

Government authorities do not abduct, secretly arrest, or hold persons in clandestine confinement, nor do they sponsor or condone such activities. The Government reported that during 1988 over 60 persons were abducted or illegally held hostage in terrorist and other incidents in Northern Ireland.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

British laws forbid torture and other cruel, inhuman, or degrading treatment of prisoners, and provide penalties for violations of those laws. Confessions obtained by such methods are not admissible as evidence in court. Government policy seeks to prevent abuse of prisoners.

In February Amnesty International (AI) called on the Government to review the convictions of those involved in an October 1985 riot at the Broadwater Farm Housing Estate in North London in which a police officer was killed. Several defendants claimed that they were denied access to lawyers and families during police interrogation and that they were threatened and forced to make admissions or sign statements under duress during interrogation. In late 1988, the police complaints authority was conducting an investigation into these complaints.

Police complaints procedures in Northern Ireland were reformed and brought into line with those which apply in England and Wales through the Police (Northern Ireland) Order of 1987. The Independent Commission for Police Complaints for Northern Ireland was put in place on February 29. The Commission, which is independent of both the Government and the police, must supervise police investigations into the most serious complaints. The Commission's powers include the ability to approve or disapprove the choice of police investigating officers, direct the conduct of investigations, and monitor the disciplinary aspects of complaints.

Complaints of mistreatment at the hands of the RUC by two persons arrested under the prevention of Terrorism Act in separate cases in January led to calls for an inquiry into the allegations. Both persons, who had been released without charges, claimed they were beaten while in custody. A judge ordered the release of one of them after the judge found police doctors' affidavits were "consistent" with his claims that he had been beaten during interrogation by RUC detectives. The United Nations assigned a special rapporteur

to investigate these allegations. The rapporteur was expected to refer to the cases in his report to the 45th Commission on Human Rights. The Standing Advisory Commission on Human Rights said that, while it was generally impressed with police arrangements in Northern Ireland for the detention and questioning of suspected terrorists, it remained seriously concerned over the level of complaints of assault and other improper practices during police interrogation of suspected terrorists.

Complaints continue about "strip searching" in Northern Ireland prisons, particularly of women. These searches involve a visual inspection conducted in special cubicles by female officers. Body cavity searches are not performed. Strip searching is routine for prisoners on first committal and final discharge and when making home visits. It is conducted on a random basis for prisoners making court appearances or leaving the prison temporarily for any reason. Since prisoners awaiting trial are brought to court every 7 to 28 days, they face the possibility of more frequent strip searching than those who are sentenced. The Standing Advisory Commission on Human Rights determined that strip searches remain necessary to protect the well-being of guards, prisoners, and the community at large. But the Commission also stated that strip searching is conducted too frequently. All visitors to prisons, including government officials, are subject to a "rub-down search." This involves an officer passing his or her hands over the visitor's clothing. Visitors are not strip searched. Strip searching is also conducted at prisons elsewhere in Great Britain.

Britain has ratified the Council of Europe Convention on the Transfer of Sentenced Persons, by which prisoners may be sent to their home countries to serve their sentences. Within the United Kingdom, convicts are almost always required to serve their prison time in the general region where the crime was committed. Transfers may, however, be requested. Prisoners from Northern Ireland, for example, who are serving time in Great Britain may apply for transfer to Northern Ireland. Several such requests were approved in 1988.

In the crown colony of Hong Kong, following allegations by the United Nations High Commissioner for Refugees (UNHCR) that Vietnamese refugees in the Hei Ling Chau closed detention center had been beaten by correctional services personnel, the correctional services department conducted an in-house inquiry, uncovering no corroborating evidence. In September the Government appointed an independent panel to examine these same allegations. In a report issued on October 6, the two justices of the peace who conducted the inquiry concluded that correctional services personnel had used unnecessary force on refugees and that doctors had been less than thorough in examining those who had been beaten. The Government ordered an investigation into internal correctional services department procedures and into the performance of the doctors who examined the refugees.

d. Arbitrary Arrest, Detention, or Exile

British law gives the police broad discretionary powers to make arrests without warrant based on reasonable cause. Procedures for bail, judicial determination of the legality of detention, and suits for false imprisonment are routinely utilized.

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Persons arrested without a warrant must be released on bail if they cannot be brought before a magistrate's court within 24 hours. Generally, persons charged with nonserious offenses can be released on bail. However, in some cases where the alleged offense is deemed serious, such as violent crimes, magistrates have repeatedly remanded persons for periods of up to 18 months before trial. In 1988 some 11,600 persons (roughly 23 percent of the prison population in England and Wales) were on remand. The average length of time between first remand and trial in scheduled cases in Northern Ireland declined steadily between 1984 and 1988, and the Emergency Provisions Act of 1987 gave the Secretary of State for Northern Ireland authority to specify maximum time limits for particular pretrial stages; this authority has not yet been utilized. The Prosecution of Offenses Act of 1985 gave the Government similar authority for England and Wales. In April 1987, statutory limits on time in custody were introduced experimentally in four counties. The Government extended the operation of these limits to all of Wales and part of England in April 1988 and announced its intention to include all of England by 1990.

British law allows for the restriction of personal liberties by the Government in an emergency situation, subject to review by Parliament. Acting on the premise that the fundamental "right to life" has been in serious jeopardy due to the violence in Northern Ireland, the Government adopted the Northern Ireland (Emergency Provisions) Acts of 1978 and 1987 which are applicable only to Northern Ireland; and the Prevention of Terrorism (Temporary Provisions) Act of 1984 (originally enacted in 1976), almost all of which is applicable to the entire United Kingdom. Although both these acts permit the restriction of personal liberties, they are subject to parliamentary review and to mandatory renewal at frequent intervals.

The 1984 Prevention of Terrorism Act allows the police to arrest, without warrant, persons anywhere in the UK whom they reasonably suspect to be involved in terrorism. Such persons may be detained for up to 48 hours without judicial review, and up to a further 5 days on the authority of the Home Secretary or, in Northern Ireland, the Secretary of State for Northern Ireland. In recent years, the powers of the Act have been used when persons were suspected of acts of terrorism related to Northern Ireland, India, and the Middle East.

In September 1987, the European Commission on Human Rights recommended that, in the case of two men detained in 1984 under the Prevention of Terrorism Act's 7-day maximum detention period, the Government respond to charges it had violated the requirement contained in the European Convention on Human Rights that a person should be brought "promptly to court." Both parties referred the case to the European Court of Human Rights which ruled in November that a 7-day detention was excessive. At year's end, a new Prevention of Terrorism bill was before Parliament, which does not conform to the findings of the European Court of Justice, but the Government is still seeking ways to bring UK practice into conformity.

Under the Northern Ireland Emergency Provisions Act of 1978, the RUC, for the purpose of arresting anyone under the Prevention of Terrorism Act, may enter and search without a warrant any place where that person is or where the police reasonably suspect him of being. The Act provides similar authority in connection with the arrest of persons suspected

of having committed or being about to commit a "scheduled" offense (i.e., one listed on a schedule attached to the law). Also under this Act, members of the armed forces on duty may arrest without a warrant any person suspected of having committed or being about to commit any offense. Such persons can be held for up to 4 hours, after which they must be transferred to police custody or released. Allegations that these limits have been exceeded by the police or the armed forces have not been substantiated.

In Northern Ireland, pursuant to the provisions of the Prevention of Terrorism Act and the Emergency Provisions Act, arrested persons have the right to a lawyer after 48 hours in detention. Some human rights activists charge, however, that the 48-hour rule is not always followed.

An independent review of the 1978 Emergency Provisions Act by Sir George Baker, published in April 1984, concluded that its provisions were still necessary. The 1987 Act implemented a number of Baker's recommendations and provided further rights and safeguards for persons detained under emergency legislation. On the authority of a senior police officer, and if specified conditions are met, the exercise of the right to an attorney and to have someone informed of the arrest may be delayed for a maximum of 48 hours.

British legal practice provides for the indeterminate detention of minors convicted of murder. In Northern Ireland, where public attention has focused particularly on this issue, there were 32 persons serving such sentences in late 1988. At year's end, there were 17 prisoners in Northern Ireland who had served 8 or more years for murders committed while they were under the age of 18 and whose release dates had not been decided. All but one had their cases reviewed by the Life Cases Review Board by the end of 1988, although the outcome of the reviews was not to be made known until early 1989.

With regard to forced or compulsory labor, see section 6.c.

e. Denial of Fair Public Trial

Fair trial is guaranteed by law and observed in practice. An indigent defendant has the right to counsel of his own choosing. All criminal proceedings must be conducted in public, with the exception of juvenile court cases and cases involving public decency or security. In a trial on charges under the Official Secrets Act, the court may be closed at the judge's discretion, but the sentence must be passed in public. A National Independent Prosecution Service was established in 1985, extending to England and Wales a system introduced to Northern Ireland in 1972 which provides greater consistency in determining which cases are to be prosecuted.

Juries hear all cases not covered by antiterrorist legislation; these constitute the majority of criminal cases. In Northern Ireland, the right to trial by jury has been suspended for certain terrorist-related offenses because the intimidation of juries raised serious questions about the ability to reach impartial verdicts. "Diplock courts," in which a single high court judge presides over a trial without a jury, were established by legislation in 1973.

The Government's ability to provide trials by multiple judges or with juries is limited because of PIRA terrorist attacks aimed at intimidating the judiciary. In 1987 Lord Justice

Gibson and his wife were murdered by PIRA terrorists. In December 1987, the PIRA exploded a bomb outside the Belfast home of a judge, and in July 1988 a married couple and their child were killed in a PIRA bomb attack intended for a judge and his family. The PIRA has warned that it will even attack workmen who perform services at the homes of judges, and in 1988 went so far as to shoot a workman while he was performing roof repairs on a Belfast court building.

A unique safeguard for persons convicted by a Diplock Court is the automatic right of appeal of conviction or sentence to a three-judge court of appeals. The rate of conviction in Diplock Courts for defendants who have pleaded "not guilty" is similar to that of defendants tried before juries. Judges in Diplock Courts must publish written explanations of their decisions. Nonetheless, there is support for a court system in which three judges (instead of one) would preside over trials when a jury trial is deemed impossible. Although the Standing Advisory Commission on Human Rights endorsed a change to a three-judge system, the Government announced in February that it does not intend to alter the Diplock Courts. A report published by the Association of the Bar of the City of New York stated that there has been no serious claim that a factually erroneous conviction has occurred in a Diplock Court and that Diplock Courts conform to the requirements of international standards for fair trials.

The recent reversals on appeal of several convictions in earlier terrorism cases have limited the Government's ability to obtain convictions based on uncorroborated evidence by convicted terrorists ("supergrasses"). Although there were no "supergrass" trials in 1988, and none since 1985, the issue remains controversial.

On October 20, the Government announced changes, subject to parliamentary approval, to the general law on evidence in Northern Ireland. These changes would affect the traditional right to silence of accused persons under British law by permiting the courts to draw whatever inference they deem proper--including an inference of guilt--if a subject remains silent during questioning. The changes will apply to four situations: (1) when an accused explains his conduct for the first time at his trial, after remaining silent during police questioning; (2) once the prosecution has established that there is a case to try; (3) when an accused fails or refuses to explain to the police certain specified situations, such as substances or marks on his clothing; and (4) when an accused fails or refuses to explain to the police his presence at a particular place. The Government also announced plans to implement similar legislation as soon as possible in England and Wales. These proposals were widely criticized.

The Criminal Law Jurisdictions Act, enacted by both the UK Government (1975) and the Irish Government (1976), permits trial in the Republic of Ireland or in the UK of those accused of certain terrorist offenses, regardless of where the offense was committed.

In late 1987 and early 1988, a UK appellate court reviewed the 1975 conviction of 6 men for the murder of 21 people in the 1974 Birmingham Pub Bombings. The court dismissed the appeal of the "Birmingham Six" after considering claims that the prosecution's forensic and other evidence was flawed. The case has long been controversial in Ireland and in Northern Ireland, where many in the Catholic community charge that the

convictions constituted an injustice against the six Irish residents of England.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right of privacy is well respected in both law and custom. Warrants are generally required for a police search of private premises. However, under the Northern Ireland (Emergency Provisions) Act of 1978, any member of the armed forces on duty, or any constable, may enter any premises or other place if he or she considers it necessary to do so to preserve peace or maintain order. Changes in the 1987 Emergency Provisions Act now require a standard of "reasonable grounds of suspicion" before a dwelling can be entered to search for munitions or transmitters.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Strongly held tradition, an independent press, and a democratic political system combine to secure freedom of speech and press. Viewpoints independent and critical of the Government are well represented.

Controversy continued during 1988 over the Government's efforts in the courts to prevent publication of the book "Spycatcher," the memoirs of former UK intelligence officer Peter Wright. The case highlighted the problem faced by many democratic governments in determining how to balance freedom of the press and protection of national security. Copies of "Spycatcher" published abroad were allowed to enter the United Kingdom without restriction. On October 13, Britain's highest court rejected the Government's request for permanent injunctions against newspapers to prevent them from publishing excerpts from "Spycatcher." As a result, newspapers are free to publish extracts from and comment on the book.

On October 19, the Government issued notices to radio and television broadcasting organizations banning the broadcast of interviews or direct statements by representatives of Sinn Fein, Republican Sinn Fein, the Ulster Defense Association, and all proscribed organizations, including the PIRA, the Irish National Liberation Army, the Ulster Freedom Fighters, and the Ulster Volunteer Force. The notices also prohibit the broadcast of any statements supporting or inviting support for these organizations. Exceptions are made for coverage of elections and parliamentary proceedings. The written media were not affected by the notices. The measures drew widespread criticism as undermining freedom of speech and press. The practical effect of these provisions has not yet been tested.

In 1987 the Hong Kong Government passed an amendment to the Public Order Act which made it a punishable offense to publish "false news" likely to cause public alarm or disorder. Visiting UK Members of Parliament and the local media criticized this action. Following a government review, the Legislative Council repealed this provision in January 1989. Hong Kong media representatives expressed concern over the Film Censorship Ordinance of 1988 for including a clause permitting the censorship of a film if there is a likelihood that the film would seriously damage good relations with other territories.

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b. Freedom of Peaceful Assembly and Association

Except in cases of extreme civil disorder, in which public safety is judged to be at risk, the authorities do not exercise their statutory right to limit the freedom of public assembly. However, some critics believe that the 1986 Public Order Law gives police too much discretion to restrict public assembly.

The Prevention of Terrorism Act of 1984 and the Northern Ireland (Emergency Provisions) Act of 1978 include sections prohibiting membership in, or support of, organizations involved in terrorism. These organizations are specifically listed in the statutes. The lists do not include political parties, even those such as the Provisional Sinn Fein, which have close links to terrorist paramilitary organizations and openly support violence.

The summer "marching season" in Northern Ireland presents special problems. These marches commemorate the traditions of opposing sectarian communities. Each community considers them a right, but they are controversial and have been a source of public disorder. Public Order (Northern Ireland) 1987 introduced new provisions for parades. The police must be notified 7 days before a planned march and may impose conditions, including rerouting, on the organizers. Two marches were rerouted, but no permits to march were denied in 1988. There were no serious disorders during the 1988 marches, in large part because of impartial police policies and handling of the issue.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Government policy and general practice ensure freedom of religion to all residents. While both England and Scotland have established churches, the State makes no direct financial contribution to them, and their existence does not limit the freedom or access to public life of members of other churches. The Government does, however, provide funds for church schools throughout the country.

In Northern Ireland, the Constitution Act of 1973 specifically prohibits discrimination on the basis of religious belief or political opinion.

There is no religious or denominational bar to the holding of public office. The sovereign must be a member of the Church of England.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

UK citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation.

The Prevention of Terrorism Act includes one exception to this general principle. The Act gives the Home Secretary the authority to exclude or prevent from entering mainland Britain anyone he believes may be connected with terrorism related to Northern Ireland, unless that person was born in Great Britain or has been ordinarily resident there for 3 years. Similar authority is granted to the Secretary of State for Northern

Ireland to exclude persons not native to or resident in that province. Between November 1974 and March 1988, 31 persons were the subjects of exclusion orders. As of March 31, 22 of these orders still were in operation. The Standing Advisory Commission on Human Rights and Lord Colville, in his official review of the Act, recommended an end to the Act's exclusion order. The National Council for Civil Liberties has referred to exclusion orders as a system of internal exile.

In 1988 special problems existed in Hong Kong with respect to refugees. The Hong Kong Government's refugee program featured both "open" and "closed" camps, the latter restricting refugee access to the outside. Because of the surge in the number of refugees in 1988, coupled with limited fiscal resources and space, the closed camps became dangerously overcrowded, squalid, and unsanitary. There were reports of camp guards beating refugees who had protested food shortages. On June 16, the Hong Kong Government implemented a more stringent screening policy whereby persons judged to have fled Vietnam for economic reasons would remain in closed camps until repatriation could be arranged. Following complaints from a number of observers, including foreign diplomats, the Hong Kong Government agreed to apply internationally accepted criteria to the running of the camps and to improve the quality of service. In September it turned over management of the territory's refugee camps to international relief agencies under the auspices of the UNHCR.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The United Kingdom is ruled by a government formed on the basis of a majority of seats in the House of Commons, won in freely contested elections held at intervals not longer than 5 years. Participation in the political process is open to all persons and parties, of which there are several, representing a broad range of political views. For parliamentary and local elections, all citizens 18 years of age and over have the franchise. Women have full rights of participation and are represented at all levels of British political life. Racial minorities comprise about 5 percent of the total population. There are several nonwhite members of Parliament, and there are nonwhite elected members of local governments.

Most British colonies have small populations (under 60,000) and are ruled by an appointed governor or administrator, assisted by an executive council (usually appointed) and a legislative assembly or council (partly elected).

In Hong Kong (with a population of over five million), representative government employing universal franchise exists only in rudimentary form and without formal political parties. The Governor is appointed by, and serves at the pleasure of, the Crown. Universal direct elections are employed to fill a majority of seats on grassroots Advisory District Boards, and indirect elections serve to fill 26 of 56 seats in the Legislative Council. The Government is committed to further gradual democratization and announced a series of reforms early in 1988. By virtue of a formal agreement ratified by the British and Chinese Governments in 1985, Hong Kong will revert to Chinese sovereignty in 1997. The Agreement specifies that, upon its becoming a Special Administrative Region of China, socialism will not be practiced for a period of 50 years.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government maintains an open attitude toward international inquiries into alleged violations of human rights in the United Kingdom. It cooperates fully with the European Commission on Human Rights in investigations of complaints and has usually taken steps to rectify its own laws and policies when they were found not to be in conformity with the European Convention.

The United Kingdom is a party to several human rights conventions, participates in international and regional human rights bodies, and is the host country to international nongovernmental human rights organizations, such as AI. In 1973 the Standing Advisory Commission on Human Rights was established to monitor human rights in Northern Ireland.

The UK Government cooperates fully in investigations undertaken by the International Labor Organization (ILO). It places no obstacles in the path of persons or organizations wishing to avail themselves of ILO investigative machinery.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Through the Race Relations Act of 1976, British law bars discrimination on the basis of race, color, nationality, or national or ethnic origin in the areas of employment, training and related matters, education, the provision of goods, facilities, services, and the disposal and management of property. However, statistical studies have shown a black unemployment rate that is nearly double that of whites, lower attainment levels in education for ethnic minority young people, black concentration in manual jobs, racial discrimination in job recruitment, and a greater likelihood for blacks and Asians to live in substandard housing. In 1984 a Code of Practice on Employment, proposed by the Commission for Racial Equality and accepted by the Government, took effect. Although the code does not have the force of law, it is used as a standard of good practice by industrial tribunals in racial discrimination cases and serves as a guideline for firms in eliminating all forms of discrimination. However, representatives of some ethnic groups do not believe that existing legislation has made inroads in overcoming racial discrimination.

Equal status and equal opportunity for women in professional fields also is provided by law. Enforcement mechanisms have been established, and progress toward women's equality is visible in many areas, including government hiring. The Government has made improvements in the legal protection offered women in employment as a result of test cases taken to the European Court of Justice which have claimed that British law did not comform to European Community legislation on equal rights. Still, women have yet to achieve fully equal status. Comprising 45 percent of the work force, women hold 75 percent of the UK's lowest paying jobs, and the average female wage earner takes home less than 75 percent of the pay of her male counterpart. Women continue to be underrepresented in engineering and technical fields.

The Government's Technical and Vocational Education Initiative, covering all students aged 14 to 16, was launched

to counter sex stereotyping in the school system and in career counseling. Equal Opportunity Commissions were established in Britain in 1975 and in Northern Ireland in 1976 to assist in the enforcement of equal opportunity legislation.

There is no evidence of governmental discrimination on religious grounds in Great Britain. However, in Northern Ireland, anti-Catholic discrimination involves a complex range of historical and social factors. The majority Protestant community has historically controlled much of the local economy and been more prosperous than the Catholic community. Since 1972, when direct British rule was introduced in Northern Ireland, specific measures have been taken to combat religious discrimination. These include reform of the electoral rolls, prohibition of religious or political discrimination by any level of government, establishment of a Commissioner for Complaints to deal with grievances against local government, appointment of a central housing authority to meet the problem of discrimination in housing, prohibition of discrimination in employment, and a special effort to recruit more Catholics into the civil service and the police.

Since 1976 the Fair Employment Agency (FEA) has served as the focal point of the Government's efforts to end job discrimination. In 1988 the Government announced plans to strengthen and restructure the FEA to make it more effective. Within the Northern Ireland Civil Service, the proportion of Catholics under age 35 reflects their proportion in the population, although Protestants still dominate in the upper age groups. In Northern Ireland overall, the Catholic male unemployment rate is 2 1/2 times that of Protestant men. The Government introduced new legislation, expected to be passed by Parliament and to become law in 1989, which is aimed at outlawing unintentional or "indirect" discrimination, and all public sector employers and private firms with 25 or more workers will have to monitor the religious composition of their staffs and submit annual reports. Employers will face penalties and loss of government contracts for failure to comply with the law. While the proposed legislation has been criticized by some for not proposing "strong and effective provisions for targets and timetables," it has in general been praised by leaders of the Catholic community.

PIRA assassinations and death threats have largely stymied government efforts to increase recruitment of Catholics (now around 10 percent) into the police force and related security fields. The PIRA has carried out a terror campaign not only against police officers but also against persons who provide services to the security forces. Since 1973, for example, 25 prison staff members were murdered while off duty.

In Hong Kong, the Chinese language has equal status with English in many government operations. Major legislation is enacted in both languages, and legal proceedings are bilingual. The number of Hong Kong Chinese in high level administration and policymaking positions is increasing.

Section 6 Worker Rights

a. The Right of Association

British workers have the right to associate freely, choose their own representatives, publish their own journals, openly promote their members' interests and views, and elect representative assemblies through which union policies and

procedures are determined. In the main, these rights are shared by workers in British dependent territories and possessions. The UK Government, which has ratified ILO conventions covering trade union rights, has, on behalf of its dependent territories and possessions, declared their adherence to these conventions. The UK and Chinese Governments have agreed that these conventions will continue to apply in Hong Kong after 1997.

In law, there is no formal right to strike. Voluntary cessation of work may be considered as breaking the employment contract. However, a system of legal immunities has evolved which protects unions from prosecution when engaged in legitimate trade disputes. The circumstances in which such immunities exist have been narrowed in the UK following legislation adopted in the 1980's which has more tightly defined legitimate trade disputes, e.g., excluding unions and workers engaging in secondary industrial action. Industrial actions arising from political rather than industrial concerns, including sympathy strikes, are no longer immune from possible liability under civil law. In the rare instance where the right to strike is prohibited, e.g., for police officers, there are alternative means to resolve differences. Similar restrictions apply in the dependent territories and possessions. Hong Kong workers are not guaranteed the unequivocal right to strike. Employees hired on a contract basis can be fired for breach of contract if they walk out.

UK unions are free from government control. However, legislation adopted in 1988 set legal requirements for the periodic election by postal ballots of senior trade union officials, mandated postal ballots before a strike call may be issued, prohibited unions from disciplining individual members who choose not to honor a legally called strike, and established procedures by which individual trade union members could bring complaints against their union to government-appointed ombudsmen. The British Trades Union Congress (TUC) lodged a complaint with the ILO charging that these measures represent unwarranted interference in the internal affairs of the trade unions and are contrary to provisions of ILO conventions on the right of association and the freedom to organize. The UK Government informed the ILO that it would respond to this complaint.

There are no limitations on the freedom of UK unions to maintain relations with international organizations and they participate actively in a wide variety of international trade union groupings.

Practice in Hong Kong is based on UK patterns with minor local variations. The principal government and nongovernment institutions which interact with the trade unions are the Legislative Council, the Department of Labor, the Labor Advisory Board, and the Labor Tribunal.

Currently, two seats in Hong Kong's Legislative Council are set aside for labor representatives indirectly elected by the labor constituency. The Department of Labor initiates labor legislation, monitors the territory's compliance with international conventions, enforces local regulations, and handles labor-management disputes. The Labor Advisory Board is a nonstatutory body which advises the Commissioner for Labor on matters of interest to the local work force; trade unions and employer organizations elect eight of the representatives, while the remaining four are appointed by the

Commissioner. The Labor Tribunal, part of the judicial branch, provides a quick, inexpensive, and informal method for adjudicating disputes arising between workers and management.

In common with other persons and organizations, trade unionists in the United Kingdom and dependent territories and possessions are afforded protection of self and property.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is deeply rooted in common law and widely practiced. This right is confirmed under appropriate ILO conventions in the UK and dependent territories and possessions. There is no legal obligation for employers to bargain with workers' representatives, but collective bargaining is extensively practiced in the UK. Approximately 12.5 million workers, or 43 percent of the work force, are organized and working under collectively agreed conditions of employment. All collective bargaining in the UK is voluntary. There are no export processing zones in the UK. Allowing for the different legal systems applicable to England and Wales, Scotland, and Northern Ireland, their labor laws are, in effect, similar. The Government actively encourages the resolution of disputes through the good offices of the governmental Advisory Conciliation and Arbitration Service (ACAS). Such arbitration is voluntary and under conditions agreed to by the parties to the dispute. Employers and trade unions make extensive use of ACAS assistance.

In the territory of Hong Kong, approximately 16 percent of the work force belongs to 403 registered trade unions. While collective bargaining exists in Hong Kong, it is not widely practiced. Hong Kong law does, however, provide for a system to handle settlement of disputes. Free conciliation service is afforded by the Department of Labor's labor relations division to employers and employees involved in labor disputes or grievances. It also carries out promotional activities through visits to employers' and employees' organizations, organizes training courses, talks and seminars, and assists employers in setting up, jointly with labor, consultation machinery. In the case of disputes, if initial conciliation efforts are unsuccessful, the dispute may be referred to arbitration with the consent of the parties, or a board of inquiry may be established to investigate and make suitable recommendations. Use of this system is widespread. There are no export processing zones in Hong Kong, and labor standards are uniform throughout the territory.

Following several years of inability to negotiate contracts over wages and conditions of employment for UK teachers under the then-existing negotiating machinery, in 1987 a bill was passed by Parliament on teachers' pay and conditions. Under this bill, the existing negotiation procedures were abolished and an advisory commission established to examine matters relating to pay and conditions of employment and to make recommendations to the Secretary of State for Education. The Secretary was empowered to accept, reject, or modify these recommendations. This bill is to be in effect until March 31, 1990, by which time a new negotiating procedure is to be in place. The Government enforced its ban on trade union membership at its highly sensitive communications intelligence facility in Cheltenham in October when it fired four employees who retained union membership. The remaining trade union

members either were dismissed, retired, or transferred during November and December.

The trade unions complained to the ILO Committee on Freedom of Association that these actions violated the provisions of Convention 98 on the right to bargain collectively. The Government responded that its actions fall under the provisions of Convention 151 governing pay and conditions of public servants. The Government further noted that the temporary nature of the bill on teachers' pay and conditions and the ongoing discussions with the teachers' unions over new negotiating procedures indicated that the dispute was on the way to resolution. The ILO Committee on Freedom of Association requested that the Government report any developments which might take place.

Workers who believe themselves victims of antiunion discrimination, up to and including dismissal, may appeal for redress through industrial tribunals. Remedies could include the payment of substantial indemnities as well as reinstatement by employers found guilty of discriminatory practices.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited in the UK and its dependent territories and possessions and is not practiced.

d. Minimum Age for Employment of Children

The Education Act of 1944, as amended, defines the compulsory school age as 16 years in the United Kingdom. Children under the age of 16 are prevented from working in an industrial undertaking, except in situations where they are participating in an organized work experience program as part of an educational course. Local education authorities are empowered to prohibit or restrict the hours of employment of children where they deem such employment to be a hindrance to a child's education.

Child labor is not deemed to be a problem in the UK, and such action by local education authorities is rare.

In Hong Kong, minors are allowed to do limited part-time work beginning at age 13, and to engage in full-time work at age 15. Employment of females under age 18 in establishments which fall under liquor regulations is prohibited. The Labor Inspectorate conducts workplace inspections to ensure that working hours conform to the law and that no persons under the age of 15 are employed full time. During 1987, the inspectorate carried out 242,791 inspections of establishments in industrial and nonindustrial sectors, which resulted in 1,704 prosecutions.

e. Acceptable Conditions of Work

The UK does not have a comprehensive minimum wage framework. In a small number of industries where union representation has traditionally been limited, or where workers are predominantly casual or part time, a system of wage councils operates. Until the enactment of the 1986 Wages Council Act, the councils, consisting of employers, trade unionists, and independents, established minimum hourly wages, basic hours of work, and holiday entitlement in the sectors concerned. The provisions were legally enforceable by the wages council

inspectorate. The 1986 Act curtailed the scope of the councils by removing workers under the age of 21 from their protection and by limiting their influence to matters of minimum hourly rates and overtime rates. The minimum rates vary from industry to industry. The minimum wage at entry level in the service sectors is about #3.60 per hour. The average annual wage in the service sectors is about $11,285 which provides a decent standard of living for the worker and his family.

Hong Kong wage rates are determined by supply and demand, with no statutory minimum. The 1968 employment ordinance generally regulates conditions and contracts of employment of all manual workers and of nonmanual workers earning $1,475 or less a month. Various pieces of legislation--including the Factories Act of 1961, the Employment of Women, Young Persons, and Children Act of 1920, the Hours of Employment (Conventions) Act of 1936, and the Young Persons (Employment) Act of 1938--regulate the maximum working hours of women and young persons and prohibit night work of these groups in industrial undertakings. The UK Government in 1987 announced that it was considering the repeal of these provisions because they were an unnecessary limitation on equal employment opportunities.

In Hong Kong, regulations under the Women and Young Persons and Children Act control hours and conditions of work for women and young people in industry. These regulations mandate one-half hour of rest for each 5 hours of continuous work for women and young people aged 16 to 17 and 1 hour of rest per 5 hours of work for young persons aged 15. Hours of work are limited to 8 per day and 48 per week between 6 a.m. and 8 p.m. for women, and between 7 a.m. and 7 p.m. for young persons aged 15 to 17. There are no legal restrictions on hours of work for men. Overtime is restricted to 2 hours per day and 200 days per year for women; it is prohibited for all young persons.

The keystone of UK occupational health and safety legislation is the Health and Safety at Work Act of 1974 which places a duty upon employers to act in such a way so to ensure "as far as is reasonably practicable" that the health and safety of employees and any others are not placed at risk. The Act established two bodies. The Health and Safety Executive, with its inspectorate, is responsible for enforcing health and safety regulations. It may initiate criminal proceedings against employers and may issue enforcement notices. The Health and Safety Commission submits proposals for regulations to the Government, may appoint committees of inquiry to investigate accidents, and encourages research and training. The Safety Representatives and Safety Committees Regulations of 1977 provided that recognized trade unions may appoint safety representatives from among employees and that employers must grant paid leave to such representatives to undertake their duties and to receive health and safety training. Where two such representatives formally request, an employer is obliged to establish a safety committee in which the employer's and employees' representatives meet jointly to consider health and safety issues.

It is a widely held view that the UK system of occupational health and safety is efficiently managed and operates with the full involvement of workers' representatives. In recent years, trade union leaders have commented that reductions in the numbers of health and safety executive inspectors have limited the inspectorate's ability to visit all workplaces.

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In Hong Kong, government regulations have set standards for industrial safety which follow the UK model.

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The Socialist Federal Republic of Yugoslavia is a multiethnic, federal state comprising six republics, one of which has two autonomous provinces. The League of Communists of Yugoslavia (Communist Party) is the only legal political party and is described in the Yugoslav Constitution as the country's "leading organized ideological and political force." However, the recent founding of two political "associations" in the Republic of Slovenia indicates a growing trend toward greater political pluralism.

The ideology and practice of Yugoslav communism and workers' self-management differ substantially from the centralized Soviet model of Communist rule. In the highly decentralized system set up by the late President Tito, the locus of power resides with Republic and Provincial government and party authorities. This system was intended to preserve stability among Yugoslavia's contentious ethnic groups, but it has also impeded effective leadership at the national level.

State security and uniformed police are under the jurisdiction of Federal and Republic secretaries for internal affairs. The armed forces are under Federal jurisdiction.

In the economic system, workers' self-management theoretically provides that the workers run their own enterprises through a system of elected workers' councils. However, Republic, Provincial, and local political officials exercise considerable, and frequently decisive, influence over the management of enterprises in areas under their jurisdiction.

More than 70 percent of housing and nearly 85 percent of agricultural land is privately owned, and there is a growing number of private enterprises in services and small-scale manufacturing, particularly in the Republics of Croatia and Slovenia. Amendments to the Federal Constitution adopted in late November establish and expand existing ideological precedents for increasing reliance on market mechanisms, promoting private enterprise and foreign investment, and liberalizing private agricultural holdings.

Political decentralization has led to considerable differences among the republics and provinces in their respect for civil and political rights. The Republic of Slovenia, for example, is decidedly more tolerant than other regions in allowing unofficial political groups. In Slovenia, there have been no arrests on charges of so-called verbal crimes, such as "hostile propaganda," for more than a decade. In other regions of the country a more authoritarian climate prevails, and political and civil liberties continue to be restricted to varying degrees. These include restrictions on freedom of speech, press, and assembly, the right to a fair trial, and the right of citizens to change their government. Arrests for "hostile propaganda" and on similar charges continued at a high rate, particularly in Kosovo province, where ethnic Albanians accused of "nationalism and separatism" were the primary victims.

On the other hand, more political issues were openly discussed, more public demonstrations were held without interference, and public criticism contributed to the resignation or removal from office of a number of political leaders. The media have also become more active. Particularly noteworthy has been their aggressive approach in exposing corruption among political leaders. Well-known dissident Milovan Djilas was

able to speak in public and publish, and debate on the role of the League of Communists in Yugoslav political life was extensive. A Yugoslav Helsinki Watch group, founded in 1987, continued to operate. A human rights committee was established in Slovenia as was a human rights forum at the Federal level, both under the auspices of the Socialist Alliance of Working People of Yugoslavia, the official mass political organization.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no instances of political killing.

b. Disappearance

No instances of prolonged or permanent disappearance were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although both the Yugoslav Constitution and law forbid torture, various sources, including former prisoners and Amnesty International (AI), report that people are sometimes beaten, mistreated, or threatened during pretrial detention, while serving sentences, or while being questioned as possible witnesses. Reports of such abuses, including occasional deaths that result, emerge in the press, as do reports of steps taken by authorities to deal with unwarranted use of force. Croatian dissident Dobroslav Paraga is still under a conditionally suspended sentence imposed in 1987. At that time, he was tried because of articles he wrote about abuse he had experienced in prison. In December Paraga was denied a passport to attend the 40th anniversary of the U.N. Declaration on Human Rights. Authorities finally granted his request, but only after Paraga staged a 17-day hunger strike.

d. Arbitrary Arrest, Detention, or Exile

Yugoslav criminal procedures derive from Napoleonic Law and are generally followed in all, including political, cases. Arrests are conducted pursuant to warrants, and defendants are usually brought before a judge within 24 hours of arrest. A functioning system of bail generally is not applied in political cases. Persons arrested for political reasons are usually charged under specific sections of the criminal code, and defendants in civilian courts have the right to independent counsel. Yugoslav law provides for pretrial detention up to 3 months, with a possible 3-month extension, which is commonly employed, especially in political cases. Access to prisoners in pretrial detention by family or legal counsel is sometimes restricted, ostensibly to prevent interference with active investigations. Persons charged for misdemeanors may be summarily tried and sentenced by administrative courts to up to 6 months in prison.

The Federal Criminal Code defines a number of criminal acts generally referred to in Yugoslavia as political criminal acts. These include such activities as armed rebellion, terrorism, and espionage, but also some broad, imprecise categories such as: "hostile propaganda"; arousing national,

racial, and religious hatred, dissension, or intolerance; and damaging the reputation of Yugoslavia. In addition, the different Republican and Provincial criminal codes cover a variety of misdemeanors considered political crimes, including spreading of false rumors and defaming the peoples and nationalities of Yugoslavia.

Authorities frequently bring charges against those who make derogatory or inflammatory ethnic statements or other statements considered politically unacceptable. There is a wide variation in local practice. Popular rock singer Bora Djordjevic won acquittal in Belgrade on a misdemeanor charge brought because of a song implicitly critical of Tito, yet was charged again when he performed the same song in Montenegro. Several months later, the second misdemeanor charge was dropped. Oral statements and other forms of personal expression, e.g., painting slogans or singing "nationalist" songs, may be grounds for criminal prosecution; charges of disturbing the peace are sometimes brought in such cases.

For a number of years, public discussion has been widespread about the desirability of eliminating Federal legal provisions against so-called verbal crimes, specifically "hostile propaganda" (Article 133 of the Federal Criminal Code). Article 133 makes it illegal to advocate the overthrow of the Socialist self-management system, to promote disunity among Yugoslavia's various nationalities or to make malicious or untrue statements about sociopolitical conditions in the country. In late December, Yugoslav authorities pardoned 25 prisoners and paroled two others convicted under one provision of Article 133. As a result, they claim that there is no longer anyone imprisoned in Yugoslavia solely on the basis of that section of Article 133. The Federal Assembly is considering proposals to narrow the scope of Article 133, but other legal provisions restricting freedom of expression would still be on the books.

Yugoslav law permits the arrest and imprisonment of Yugoslav citizens for acts considered criminal offenses under Yugoslav law, even when they are committed abroad and are not crimes in the country in which they take place. Such cases are often based on the expression of views "hostile" to the Yugoslav regime or association with anti-Yugoslav emigre groups. Two such cases were those of Smajl Halitaj and Syle Krasniqi. According to press reports, they were convicted in Kosovo in February on "hostile propaganda" charges--Halitaj for participating in "hostile" demonstrations in Switzerland, and Krasniqi for contact in Switzerland with persons of "hostile views." Halitaj was released under a government amnesty announced at the end of the year.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Each Republic and Province has its own criminal code and court system. Decisions by the highest Republic and Provincial courts, their supreme courts, may be appealed to the Federal Supreme Court, which to some extent ensures the uniform application of law by all courts. The Constitutional Court rules on the constitutionality of all laws and regulations. Offenses by those in the armed forces or by civilians affecting the armed forces are tried in the military court system.

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Although ordinary criminal trials are almost always open to the public, some political trials are not. Defendants have the right to be present at their trials and to have an attorney, at public expense if needed. The majority of trials, including in political cases, are conducted in accordance with Yugoslav legal norms without overt interference by outside authorities. There is no question, however, that government or party officials can and do influence some political or other trials. Some human rights organizations believe that in political cases the outcome is predetermined. Other observers, including critics of the Government, believe the courts have a measure of independence, particularly in determining the length and type of sentence, if not innocence or guilt.

During debate in 1988 over a proposed constitutional amendment to remove the "moral-political" suitability test imposed for the election of judges of regular courts, considerable criticism emerged of this and other conditions (low pay, short terms of office, election by the government assembly of the community involved) which combine to make judges susceptible to political or personal influence.

While many persons accused of political offenses are able to find capable, energetic counsel, government authorities sometimes attempt to intimidate or chastise attorneys who take political cases.

In May Yugoslav military authorities arrested three journalists of the Slovene youth magazine Mladina (David Tasic, Franci Zavrl, and Ivan Jansa) and an Army Warrant Officer (Ivan Borstner) on charges of possessing secret military documents. Private citizens and leading government officials in Slovenia criticized the arrests and subsequent trial. There is widespread suspicion that the charges against the four were trumped up because they had criticized the Yugoslav military and the then Defense Minister in their articles. The Yugoslav Constitution allows trial of civilians in military courts in criminal cases relating to the defense and national security of the country. On that basis, the three civilians, as well as the Warrant Officer, were tried by a military court. Tasic was sentenced to 5 months in prison, Zavrl and Jansa to 18 months, and Borstner to 4 years. All were released pending appeal, and in October the Military Supreme Court confirmed the convictions, increasing Tasic's sentence to 10 months.

While this trial apparently satisfied Yugoslav legal norms, there was widespread criticism within Slovenia and abroad that it violated internationally accepted human rights in that civilians were tried by a military court, the trial was held in secret (ostensibly because classified military documents were in question), and the defendants were denied counsel of their own choosing (rather, they were assigned military attorneys).

The precise number of political prisoners in Yugoslavia is difficult to determine. Unofficial estimates place the figure between 500 and 1,000. Such estimates and official statistics often refer only to criminal sentences under Federal law, excluding the many sentenced under Republic or Provincial laws. In addition, a substantial percentage of those classified as political prisoners may be persons who committed or advocated acts of violence themselves or were involved in organizations which committed or advocated violence aimed at destroying the present regime. AI has stated that at least 200 "prisoners of conscience" were being held in 1987.

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According to official statistics, during the first 9 months of 1988 there were 184 criminal charges brought involving "hostile" acts, compared to 283 in 1987. In its 1988 Report (covering 1987), AI cited official statistics indicating that 1,500 ethnic Albanians were charged with political crimes between 1981 and October 1987, and a further 6,650 were summarily sentenced to up to 6 months in prison for political "misdemeanors." Yugoslav authorities state that such repressive measures are intended to repel a threat to political stability which they believe is posed by Albanian "nationalism and separatism."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Arbitrary interference in private life occurs most often in connection with government efforts to monitor opposition or dissident activity. Although the judicial system provides elaborate procedures to guard against arbitrary searches, these safeguards are sometimes ignored. Authorities eavesdrop on conversations, read private mail, and tap telephones in some cases. Yugoslav citizens are generally free to receive and read foreign publications. However, the publications of certain Yugoslav emigre groups, particularly those advocating the dissolution of the Yugoslav Federation or the redrawing of its internal political boundaries, are considered hostile in themselves, and their importation, possession, or sale is illegal.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Yugoslav Constitution and law affirm the freedom of speech and press, both law and practice impose significant restrictions.

Arrests and convictions for what are called "verbal crimes" (most often on charges involving "nationalism" or "hostile propaganda") continued in Kosovo Province and in Macedonia at a significant level. For example, in Kosovo, Lema Bitiqi was sentenced to 2 years' imprisonment. In September 42 men and women from 10 Kosovo towns were arrested on charges of "hostile propaganda" and "spreading nationalist hatred"; charges of associating for "hostile purposes" apparently were also brought in some of the cases. Elsewhere, in separate trials, a military court in Sarajevo sentenced soldiers Tomo Bogataj and Kosta Jolic to prison terms of 1 year and 8 months, respectively (the latter sentence subsequently was increased to 1 year), on "hostile propaganda" charges. Both were released under a government amnesty announced at the end of the year. In Vojvodina province, ethnic Hungarian writer Korolj Vicai was sentenced to 2 1/2 years' imprisonment. The Vojvodina Supreme Court annulled that sentence and returned the case to a lower court for retrial. Slovenia, with no such arrests in more than a decade, was the exception.

Despite continuing arrests, press autonomy has increased markedly in recent years in some parts of Yugoslavia, and the media now discuss freely a wide range of political and social topics. Criticism by the media and in academic and quasi-official public forums concerning domestic political and economic issues is frequent and sharp, and there is extensive direct criticism of the Federal Cabinet and of the Communist party at all levels. The media in a given Republic or Province

will often criticize the politicians or policies of another but less often their own. The latitude for commentary is broad, as long as it does not challenge the fundamentals of the Socialist self-management system (for example, by advocating elimination of the Communist party). Tito's leadership and historical role is only beginning to be discussed in some parts of the country in other than the approved version of his activities. In most parts of Yugoslavia, it is still impossible openly to advocate republic status for the Autonomous Province of Kosovo. During 1988 there was lively debate openly challenging the current decentralized constitutional arrangements among the republics and provinces endorsed by Tito.

Normally, neither the print nor broadcast media are censored prior to dissemination. Government oversight of the media is carried out through publication boards, which include ranking party officials, and through editorial staffs' use of self-censorship. This type of control is incomplete and varies from republic to republic. There are also important informal channels for official supervision of the press. Editors are sometimes told by party officials how to report a certain story; if a story displeases a senior official, he may well complain to the editors, although not always with the immediate results desired. Moreover, editors are named through Socialist Alliance channels, so if their work displeases the hierarchy, they may have difficulty in their choice of future employment. At times, press criticism sparks government or party charges of irresponsibility and may result in the transfer of editors and journalists from one publication to another, in temporizing editorial policies, or, infrequently, in party discipline. About 80 percent of Yugoslav journalists are Communist party members.

Public prosecutors have the power to ban the publication and sale of books or periodicals if judicial authorities hold that the content is, for example, "false" or could "disturb" the public. Banning publications is often a local option, and standards of what is acceptable vary throughout Yugoslavia. In book publishing, the authorities generally provide only loose political oversight. Police and prosecutors rarely intervene. The works of Soviet and other Eastern European dissidents are published in large press runs and sold widely.

Although works by some authors, such as Milovan Djilas, have long been banned, in the spring of 1988 a short story by Djilas was carried by Knjizevne Novine, the publication of the Serbian Writers' Association, the first time any work by Djilas had appeared in the Yugoslav media since his fall from grace in 1954. Later, his book "Njegos," a biography of the last Prince of Montenegro, was published. Some controversial authors are using a growing number of private publishing firms to print their works.

In 1988, as the limits of official tolerance were again put to the test, certain publications were banned, including a Belgrade supplement to an edition of Katedra (student newspaper of the University of Maribor, Slovenia), because of writing and pictures critical of Serbia and the Serbian leadership; an issue of the Zagreb University paper Studenski List; an issue of a Split, Croatia, newspaper, because of an article critical of local politicians; and two books (collections of articles) by dissident Vojislav Seselj. During the summer, an issue of Knjizevne Novine was banned because it linked Tito to abuses at the former Goli Otok

Prison Island, where Yugoslav Cominformists and other political opponents were incarcerated from 1949 to the 1980's. Infrequently, the importation and distribution of a particular issue of a foreign publication are banned, usually because of information about the regime which authorities consider false or hostile. There were two such known cases in 1988.

b. Freedom of Peaceful Assembly and Association

Public political demonstrations are permitted only by official organizations and generally only in support of government policies. Others may be suppressed. Public gatherings and meetings of private organizations are permitted but must be registered beforehand with the authorities. In 1988 there were countless instances of officially encouraged protest rallies and mass demonstrations throughout Serbia and in Montenegro, related to events in ethnically troubled Kosovo Province and Serbia's campaign for greater influence in both Autonomous Provinces of Kosovo and Vojvodina. Most passed without incident. However, during an October 6 demonstration in the Vojvodina capital Novi Sad, which led to the resignation of the provincial party leadership, many people were reportedly injured, including several policemen. Several injuries also resulted in October when police used force to break up a demonstration by workers in Montenegro, when the demonstrators began chanting slogans challenging the Yugoslav constitutional system. A peaceful march by workers attempting to join the protestors was broken up by police using cattle prods and tear gas.

Large-scale rallies also were held peacefully in Slovenia, in support of the four Slovenes being tried by a military court. Demonstrations by ethnic Albanians in support of provincial party leaders in Kosovo in November also passed without incident. In contrast, a protest by ethnic Albanian high school students in Kumanovo, Macedonia, ended in violence when police ordered the demonstrators to disperse. Some 33 demonstrators were sentenced for up to 60 days' imprisonment for disrupting public order. Following a similar demonstration in Gostivar, Macedonia, eight ethnic Albanians were sentenced to prison terms ranging from 4 to 11 years. Notwithstanding these incidents of violence and differing interpretations by authorities at various levels of what constitutes a threat to the public and constitutional order, the recent public gatherings reflect a growing popular desire among Yugoslavia's various ethnic groups for greater participation in the political process.

A new grass roots political organization, the League of Peasants of Slovenia, was formed in May, opting to operate within the framework of the Slovene Socialist Alliance. The Socialist Youth Alliance of Slovenia and the Slovene Youth Press continue actively to promote public debate on issues such as nuclear energy, civilian alternatives to military service, and political reform. In September the Slovene Youth Alliance hosted an international Conscientious Objectors' Conference.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religious practice is provided for in the Yugoslav Constitution. The Constitution also, however, proscribes

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"abuse" of religion and religious activities for political purposes, and the Yugoslav regime officially encourages atheism. In practice, restrictions on religious freedoms vary greatly from republic to republic, depending in part on the political and historical role of the various religions. The largest faiths in Yugoslavia are Serbian Orthodox, Roman Catholic, and Islamic. Since World War II, the Jewish community has numbered fewer than 10,000, but it is active and well organized. There is a small Protestant community which includes fundamentalist denominations.

Religious believers are not subject to overt persecution, but open practice of one's faith is normally a disqualification for high positions in government and business. A party member who takes part publicly in the sacraments of his or her church risks disciplinary action or expulsion from the party. Constraints on occasional attendance at services and the religious instruction of children vary from region to region.

Prisoners and active duty military personnel are not allowed to be visited by clergy or to attend religious services, except in Slovenia, where regulations were issued in 1988 providing for visits of priests and other religious counselors to prisoners. Yugoslav law does not provide for conscientious objection to military service for any reason. Religious conscientious objectors sometimes have been required to serve more than one prison term for refusal to do their compulsory military duty.

Conflicts between the State and religious communities may develop if the latter engage in what authorities consider "nationalist" or political activities. In the past, authorities frequently criticized the Catholic Church in Croatia for alleged support of Croatian nationalism, and the Serbian Orthodox Church similarly for Serbian nationalism. For some time now, however, Croatia and Slovenia have been relatively tolerant of the practice of the Catholic faith. During 1988 relations between the Serbian Orthodox Church and the Serbian party improved dramatically, due to a coincidence of religious and political interest in promoting Serbian cultural and historical self-awareness. Authorities in Macedonia charged that some members of the Islamic community encourage "Albanian nationalism and separatism." These charges were denied by Islamic leaders. Religious proselytizing is forbidden.

The religious communities have vigorous publishing programs, although they do not have their own printing facilities. Their publications are normally sold only through subscription or at places of worship. During 1988 religious newspapers became more politically oriented, and government officials began to indulge in polemics with them. For example, the Serbian Orthodox Church newspaper advocated instruction on religious themes in public schools, which engendered public debate. The official press published more on religious themes, such as the apparitions at Medjugorje and the construction of the St. Sava Church in Belgrade, as well as on church-state issues. Bibles and Korans are readily available. Contacts with coreligionists abroad are extensive and generally unhindered. However, Yugoslav authorities regard ties between Yugoslav Muslims and Islamic fundamentalist groups abroad with suspicion.

The construction of new places of worship requires the consent of local government authorities which sometimes present

bureaucratic obstacles. Some religions also receive preferential treatment in areas where they are dominant. For example, construction is continuing on the monumental Serbian Orthodox church, St. Sava, in Belgrade. Local authorities have facilitated publicity and fund-raising efforts, and are to landscape the area surrounding the church. A new Roman Catholic cathedral was consecrated in Belgrade in 1988, after permission was granted in 1982. The Islamic community in Belgrade, however, has had an application pending to build a new mosque for many years. In the Banat region of Vojvodina Province, authorities reportedly have denied permission for the construction of any religious edifice since World War II.

Primary education outside the state system is not permitted in Yugoslavia. There are some opportunities for religious education at the secondary and university level for all major faiths. The Catholic Church, for example, maintains eight secondary schools (about 100 pupils each), two theological faculties, and five seminaries in Croatia and Slovenia. The Serbian Orthodox Church has four high schools and a single theological faculty. The Yugoslav Islamic association runs three high schools in the Muslim areas of the country and one Islamic theological faculty in Sarajevo. The degrees offered by these institutions are not officially recognized by the Yugoslav authorities. Yugoslav religious communities also make vigorous efforts to provide religious instruction outside of school for children and young people.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country is provided for by the Constitution and permitted in practice. Passports for foreign travel are routinely available, and half of the country's population possesses them. No exit permits are required to visit the more than 135 countries with which Yugoslavia has diplomatic or consular relations. A very small number of Yugoslavs are denied passports either temporarily or permanently on national security, political, or criminal grounds. Well-known dissident Milovan Djilas was issued a passport in 1987 for the first time since 1970 and has traveled outside of the country numerous times. Approximately 600,000 Yugoslav workers, some with family members, are employed as "guest workers" in Western Europe.

The law on the entry of foreigners into Yugoslavia notes the right of permanent asylum and provides for government assistance to persons granted that right. Yugoslavia extends temporary asylum to refugees who, with the assistance of the Belgrade office of the United Nations High Commissioner for Refugees (UNHCR), seek permanent resettlement in third countries. As of October 1988, there were about 810 such refugees in Yugoslavia. Since 1984 there have been no known cases in which a refugee under UNHCR protection was forcibly repatriated.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Yugoslav citizens do not have the right to change the system of government. The 2-million-member League of Communists of Yugoslavia maintains a monopoly on political power, although the development of numerous autonomous "associations" in Slovenia reflect a trend toward greater political pluralism. The party's authority at the Federal level is greatly

dispersed and diluted because of the decentralization of decisionmaking power to the parties in the six republics and two provinces. As Yugoslav politicians and the press regularly note, the country's eight regional party organizations hold widely differing views on key political and economic issues, and this has made it difficult for the Federal Government to take decisive action. With few exceptions, no major initiatives, including constitutional amendments, may be adopted by the Federal Government without the unanimous consent of the republics and provinces. Extensive press and television coverage is often given to high-level party meetings, including the broadcast of lengthy portions of debate and the act of voting.

Governmental bodies are responsible for administering and drawing up specific policies, especially economic policies. At the top of the government structure are the collective State Presidency (Chief of State), the Federal Executive Council (Cabinet), and the Federal Assembly (Parliament). The Presidency is responsible for overall policy direction. The Federal Executive Council, headed by the Prime Minister, is responsible for running the governmental machinery and proposing specific legislation. For government offices, there are terms of 1 to 5 years, with the possibility of extension for one additional term in many cases.

The Federal Assembly is responsible for enacting legislation. It operates sometimes by majority vote and sometimes by consensus among delegations representing the country's eight federal units. According to research reported in February, of the 1,248 delegates elected to the Federal Assembly in the 1974-1986 period, all but 0.48 percent were members of the League of Communists. Nevertheless, the Assembly has been active and contentious in recent years and has several times rejected or drastically altered proposals endorsed by the Presidency and Cabinet. It is often the scene of sharp debates, which generally are fully reported in the media.

On May 15, for the first time in postwar Yugoslavia, the Federal Assembly took up a vote of confidence in the Government. The move was defeated by comfortable margins in both Assembly chambers. On December 30, however, the Prime Minister and his entire cabinet resigned, also a postwar first. The resignation came in the wake of mounting criticism from many of parts of the country over the inability of the Government to ease the country's deteriorating economic situation.

Federal laws must also be adopted separately by Republic and Provincial assemblies before they can be implemented, so these regional assemblies wield considerable power, frequently amounting to an actual veto of Federal authority. In certain cases, delegates to the Federal Assembly must have authorizing instructions from their Republic or Provincial assemblies before engaging in negotiation or compromise on Federal legislative measures. Members of Communist party bodies are selected by the party bodies themselves in ways ranging from secret ballot and majority vote to prearranged appointment. Members of government bodies are chosen by a delegate system. Recently adopted amendments to the Constitution provide for a majority of delegates to local, Republic, and Federal assemblies to be chosen directly by their constituents through secret, multicandidate elections. However, the mass umbrella organization, the Socialist Alliance of the Working People, will continue to nominate candidates in the various

sociopolitical organizations. This includes the League of Communists, the trade unions, the League of Socialist Youth, and the Union of Veterans. At the local level, ordinary workers can and do play an active role in the selection process.

In 1988 elements of a Western-style election campaign emerged in the race for Slovene Republic President, with seven candidates in the field at the outset. In other government and party elections in Slovenia, Croatia, and Bosnia-Hercegovina, multiple candidates were nominated for most posts. Yugoslavia's ethnic groups generally have equal access to political positions, especially through their respective Republics and Provinces. Many senior executive government and party positions rotate periodically from one nationality to another according to a predetermined ethnic "key."

Political pressure, in the form of mass demonstrations supported by the Serbian party leadership, was responsible for the collective resignation of the Vojvodina province party leadership in October and contributed to government and party changes in Montenegro and Kosovo later in the fall.

From 1982-1986, the Federal Prime Minister was a woman. Two members of the Cabinet from 1986 to 1988 were women. Women make up about 12 percent of the membership of the Central Committee of the League of Communists of Yugoslavia. While full and unimpeded opportunities for women are mandated by law, they are underrepresented at higher levels, reflecting longstanding social attitudes and customs. There are still allegations that women cannot participate fully in government and political life.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In the past, the Government has critized Western charges of human rights violations within Yugoslavia as impermissible interference in Yugoslav internal affairs and as efforts to bring pressure on Yugoslavia to alter its social, economic, or political system. In recent years, the Government has been somewhat more willing to discuss human rights problems with outside organizations. In 1988 Belgrade accorded unusually prominent attention to Human Rights Day and the 40th anniversary of the Universal Declaration on Human Rights. The Socialist Alliance has established a Human Rights Forum intended in part to defend Yugoslavia's human rights record but also to monitor domestic human rights trends and foster understanding of Yugoslavia's international commitments to human rights. In Slovenia, a Committee for the Defense of Human Rights was formed within the Slovene Socialist Alliance in response to the controversial military trial of four Slovenes, and it was active in mobilizing support for the defendants in Slovenia.

A Helsinki Watch Group was formed in 1987 by private Yugoslav human rights activists. In the spring of 1988, it hosted a meeting in Belgrade of the International Helsinki Watch executive board, an event which received limited press attention. A chapter of AI was reportedly formed in December in the Slovene town of Kranj, the first of its kind in Yugoslavia. The loosely organized Committee for the Defense of Freedom of Thought and Expression continues to operate, but any coverage it may receive in the media generally tends to be

critical. Its members visibly participated in the debate on constitutional reform, and the Committee sparked considerable controversy and sharp party criticism at midyear as a result of its proposal to reevaluate President Tito's influence on Yugoslavia's development.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution provides for the equality of citizens regardless of sex, and the Government is officially opposed to racial discrimination. Despite government efforts, however, some social prejudice continues to exist, particularly with regard to ethnic Albanians, who constitute 8 percent of Yugoslavia's current population, and Gypsies. On the other hand, the Serbian minority in the Autonomous Province of Kosovo has complained sharply of physical mistreatment and discriminatory practices on the part of the Albanian majority there (about 90 percent of Kosovo's population). These complaints helped spark a series of mass rallies in Serbia and Montenegro during the summer and fall aimed at gaining increased Serbian control over both Kosovo and Vojvodina provinces. The Serbian party leadership pressed for amendments to the Serbian constitution that would increase Serbian police and judicial powers in the two provinces. A final rally in Belgrade on November 19 attracted up to a million people.

Ethnic Albanians, for their part, are concerned about anti-Albanian sentiment in the country as a whole. They particularly fear the possible loss of their political and cultural autonomy in Kosovo as well as increasing discrimination in Macedonia.

The Government has taken steps to protect the status of women. Maternity leave for employed women is very liberal and is routinely granted for periods between 9 and 12 months. Depending on the republic, working mothers are given day-care allowances based on their salaries and the number of children to be cared for. Also, a working mother may take sick leave when her child is ill (up until 2 years after its birth), and the father may do so when the mother is ill. The role of women in Yugoslavia's work force has slowly improved as a result of increased education and urbanization. According to statistics for 1986, 38.3 percent of the work force in the socially owned sector was composed of women, as opposed to 34.5 percent in 1974. However, women still hold proportionately more low-level, poorly paid positions. The Constitution charges government authorities at all levels with protection of the cultural rights of all the peoples of Yugoslavia.

The use of the major local language is required in official communications between Belgrade and the various republics, and local languages are used in the schools, courts, and local media. In 1988 ethnic Albanians in Macedonia, whose numbers are rapidly growing as a proportion of the total population, demanded greater educational opportunities in their mother tongue. Macedonian officials, meanwhile, placed restrictions on child support payments and child health care for families with more than three children. Although not legally discriminatory, these restrictions were clearly intended to discourage population growth among ethnic Albanians, who tend to have large families. Macedonian authorities manipulated building code regulations governing the height of walls to

justify the bulldozing of the walls that traditionally surround Albanian homes in the Republic.

Section 6 Worker Rights

a. The Right of Association

Trade unions are organized geographically by republic and province and by trade within these boundaries. Workers do not have the right to form their own trade unions. They are not required to join the government-established unions, although most do. They elect their own representatives, directly at the local level and indirectly at higher levels. At the Federal level, the Confederation of Trade Unions of Yugoslavia (SSJ) has traditionally supported government policies, while pleading that any negative effects on workers be minimized. In practice, responding to Yugoslavia's persistent economic difficulties, union leaders are becoming more active in advocating worker interests on such matters as the impact of wage policies and inflation on the standard of living. At the republic level, the trade union organization of Slovenia took the lead in early 1988 in establishing Yugoslavia's first strike code, which instructs local unions to organize strikes when workers have no other option for pursuing just demands. The same organization in September threatened Yugoslavia's first republicwide general strike in seeking changes to wage policies that had reduced gross real personal incomes by 21.5 percent from the previous year.

In November, through an amendment to the Yugoslav Constitution, Yugoslav workers acquired the right to strike, the first time this right has been granted constitutionally in a Communist state. Instances of police action against strikers are almost nonexistent. Disciplinary action by firms against strike organizers is rare and in some cases has been successfully contested in court by the trade unions. During 1988 the Yugoslav trade unions recorded 1,720 strikes (up 2 percent over 1987) involving 388,000 workers (up 34 percent over 1987). A growing number of strikes have involved peaceful protest rallies in front of government buildings, including the Federal Assembly in Belgrade, at which workers have presented their demands directly to politicians.

Yugoslavia participates in the international labor environment through its individual workers abroad and the activities of the SSJ. Roughly 1 million Yugoslav workers and dependents live in Western Europe, including 700,000 in countries of the European Community. The SSJ concentrates its international exchanges on neighboring central and Western European countries. Its most developed bilateral contacts are with trade unions (of all ideological stripes) in Austria, Italy, and West Germany. Most of the SSJ's bilateral exchanges are at the craft union level.

The SSJ represents Yugoslav workers at the International Labor Organization (ILO). Among international trade union organizations, it has good cooperation with the World Confederation of Labor and the European Trade Union Confederation. The SSJ participates in the Trade Unions Advisory Council of the Organization for Economic Cooperation and Development. The SSJ expects its ties with Western unions to grow parallel with the gradual market orientation of the Yugoslav economy and the integration in 1992 of the Western European market (a process in which Yugoslavia hopes to participate at some point). The SSJ, although not a member,

has also begun cooperation with the Soviet-controlled World Federation of Trade Unions at the craft union level.

b. The Right to Organize and Bargain Collectively

Collective bargaining in a Western sense is not entirely applicable to Yugoslavia, where all large firms are socially rather than privately owned. Under Yugoslavia's law on associated labor, workers elect a workers' council (a body separate from the trade unions) which has a voice in selecting management and must approve by majority vote major (and sometimes minor) business decisions, including wage levels, by the enterprise. A series of Federal laws in recent years, most recently in May 1988, strictly limiting firms' (and hence workers') ability to increase wages through these normal channels has fueled the increase in strike activity. Enterprise managers are increasingly bound by law to more Western-style standards of business discipline. During the reporting period, Yugoslavia had no economic incentive zones or special industries where labor standards differed from those elsewhere in the country. This situation may change with the introduction of new laws on enterprises and foreign investment.

There are no export processing zones, and labor legislation and practice are similar throughout the country.

c. Prohibition of Forced or Compulsory Labor

There were no reports of the use of forced labor, which is prohibited by the Yugoslav Constitution.

d. Minimum Age for Employment of Children

The minimum age for employment of children is 16 years. Of those unemployed in Yugoslavia, 78 percent are under the age of 30, and, in practice, young people often must wait a long time for their first job.

e. Acceptable Conditions of Work

Yugoslavia has an official 42-hour workweek with generous vacation time and sick leave benefits. The republics set minimum wage levels, which vary widely in keeping with varied levels of economic development and prices. Given Yugoslavia's high inflation rate, minimum nominal wage levels are raised frequently. The trade unions point out that minimum wages lag behind inflation, leaving workers who earn only the minimum at or below "the poverty line." The minimum net wage in the Republic of Slovenia as of September 1988 was $152 dollars per month at the official exchange rate. The Republic trade unions demanded this figure--which the Government accepted--based on its calculation of the minimum wage necessary to assure a decent standard of living. Yugoslavia has extensive Federal and Republic laws and regulations on worker safety, although occasional press reports suggest that enforcement is lax.

AFGHANISTAN

Following its invasion of Afghanistan in 1979, the Soviet Union installed Babrak Karmal as new state and party leader but replaced him with a new leader, former secret police chief Najibullah, in 1986. The replacement came in apparent frustration over Karmal's failure to subdue armed opposition to his regime, notwithstanding the support of some 120,000 Soviet troops and large amounts of Soviet aid. Soviet resolve to continue the war weakened significantly during 1987-1988 due to increased mujahidin military success and a more realistic foreign policy approach adopted by General Secretary Gorbachev.

On April 14, after lengthy negotiations in Geneva, the Soviet Union agreed to withdraw all of its troops from Afghanistan by February 15, 1989, marking a major turning point in Afghanistan's struggle for freedom from foreign domination. By August 15 the Soviet Union had withdrawn half of its troops. As the Soviet role on the ground wound down, mujahidin pressure on the regime increased. In late August, the mujahidin took Bamian Province, in the center of the country, and by September had made significant gains against regime forces in the north and south. Soviet forces, however, continued to provide regime units with massive air and artillery support, and continued to supply large amounts of military aid to the regime. By November the Soviets had halted their withdrawal in the face of increased mujahidin successes and escalated their military operations against the resistance, deploying high-performance aircraft and Scud missiles.

The war has generated over 5 million refugees, one-third of the population of Afghanistan before the war. International observers estimate that over 1 million Afghans have died as a direct consequence of the Soviet invasion and occupation.

Moscow has pursued a policy of Sovietization of those areas still under the control of Soviet and Republic of Afghanistan (RA) forces. In addition to placing thousands of advisers in the regime structure, the Soviet Union has taken thousands of Afghan children to the Soviet Union for political indoctrination in values that are alien to the Afghan people's Islamic heritage. This process has continued during the Soviet withdrawal.

During 1988 Soviet and RA forces abandoned some areas and ceased offensive operations in others. Some Afghan refugees have begun to repopulate a few of these areas, reconstituting farmland under mujahidin protection. However, a large-scale return of refugees, predicted by some observers, did not occur for several reasons: the continuation of hostilities; the failure of the regime's so-called national reconciliation policy to attract refugees; and the presence of millions of mines, most sown by Soviet forces, along transportation routes and in areas of potential resettlement.

Internal security functions are carried out in regime-controlled areas primarily by the secret police, formerly known as KHAD but renamed the Ministry of State Security (WAD). More than 25,000 Afghans, supervised by Soviet Committee for State Security (KGB) advisers, work for the Ministry. The regime's principal tools of control and manipulation are surveillance, imprisonment, interrogation, torture, and execution.

AFGHANISTAN

Afghanistan's economy has been shattered by the war. During 1988 Soviet reprisal raids and depopulation campaigns, some of them against the few areas which had previously escaped large-scale devastation, led to damage that will require many years to repair.

There was no basic change in the human rights situation in 1988, and individual human rights continued to be denied and suppressed on a massive scale. Basic improvement in the human rights environment depends on total withdrawal of Soviet forces and restoration of independence to a freely chosen Afghan government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Arbitrary killing and other acts of violence against suspected regime opponents continued to be commonplace. Reports from prison inmates released in 1988 and Afghan staff members at prison facilities tell of executions in RA prisons. Afghans report that, from mid-January to mid-March, 200 prisoners, predominantly mujahidin or mujahidin supporters, were hanged at Pol-e-Charkhi prison.

Soviet and RA forces as well as some mujahidin groups have executed prisoners in the field. In one instance, Amnesty International (AI) reported that 12 mujahidin were taken prisoner on January 16 in Kolalgu village of Paktia Province by combined Soviet and regime units and that, according to 2 survivors, 9 of the 12 were killed when their captors marched them into the village mosque and blew it up. The explosion at the mosque also killed seven children in an adjacent house.

The mujahidin generally interrogate and release captured Kabul regime enlisted men and hold some captured Soviet personnel as prisoners; however, some killings of captured Soviets have been reported, such as the execution in April of a downed Soviet pilot near Charikar whose aircraft had been involved in attacks on local mujahidin positions. When asked about their policy on Soviet prisoners, mujahidin generally state that Soviets are more valuable to them alive, since they can be used to trade for mujahidin prisoners at ratios of up to 25 to 1. Nevertheless, allegations of mujahidin assassinations of Soviet personnel and RA officials continued in 1988. Many of the political killings reported in Kabul appeared to result from factional infighting within the ruling People's Democratic Party of Afghanistan (PDPA). Soviet and resistance representatives met in Islamabad in November and December to discuss future prisoner exchanges.

Regime accusations that the mujahidin summarily executed regime officials following the capture of Konduz in August have not been substantiated, and the regime has not allowed Western reporters to go to Konduz to investigate these allegations. However, resistance sources themselves acknowledge that the mujahidin who entered Konduz behaved in an undisciplined manner.

In 1988 Soviet and RA forces again launched numerous attacks against civilian targets, resulting in massive destruction of homes, entire villages, croplands, and infrastructure as well

as death and injuries to uncounted numbers of civilians. Throughout the year there were reprisal attacks against civilian populations suspected of sympathizing with the mujahidin. There were also civilian casualties resulting from the deployment of a napalm-like substance against the resistance. The major threat of injury to civilians is increasingly posed by millions of landmines throughout the country. U.N. requests that the Soviets and the regime supply maps of minefields placed by their armed forces have not been fulfilled. Moreover, Soviet and regime claims to have cleared hundreds of minefields are not borne out by the available evidence. Indeed, newly arrived refugees in Pakistan have reported that new minefields have been laid by the RA and Soviets.

Mujahidin actions in 1988 also resulted in loss of life and injuries among civilians. The mujahidin were believed responsible for bomb attacks in Jalalabad and Kabul which resulted in significant civilian casualties. Mujahidin rocket attacks against Kabul and other regime-controlled cities, although aimed primarily at military targets, inevitably took a toll among civilians estimated in the thousands by regime officials and in the hundreds by impartial observers.

b. Disappearance

Disappearances continued to be common in areas under regime control. In some cases, unexplained disappearance of young males is due to impressment into military service (see Section 1.d.). In other cases, Afghans are arrested and imprisoned or summarily executed for political offenses or because they are relatives of mujahidin. Persons having past associations with governments currently hostile to the regime often "disappear." Some persons also disappear as a result of the action of mujahidin, who frequently abduct or capture regime military and civilian cadre and suspected regime collaborators.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Regime authorities frequently employ torture to punish or to extract information or confessions. The policy is widespread, indicating that it has official sanction. Victims often claim that Soviet officials monitor and indirectly control the torture sessions. Torture techniques include both physical and psychological abuse. Use of electric shock to sensitive parts of the body, immersion in water, and beatings are common forms of physical abuse reported by victims and witnesses. Threats of abuse against family members and prolonged sleep deprivation are typical forms of psychological abuse. Persistent reports describe cases of mental disturbances induced by torture in regime prisons. Political prisoners are usually not segregated from criminal or mentally ill prisoners. Medical care is commonly described as minimal at Pol-e-Charkhi, where prisoners are generally required to wait at least a month before being allowed access to medical personnel. According to reliable reports, many prisoners died in 1988 as a result of inadequate diet, corporal punishment, and torture.

One former prisoner interviewed during 1988 reported that he was tortured at Sadarat Prison in downtown Kabul. Interrogators tore out his beard in clumps, and he and others were made to stand, chained to a cold, wet cement floor

overnight. Repeated sessions caused him and others to develop severe pain in their joints, especially in the knees. Another prisoner, recently released, says that electric current was used in his torture/interrogation sessions, which eventually caused severe internal bleeding, kidney damage, and hospitalization. Both persons said that Soviet personnel were on hand during the sessions, but usually out of view. Torture was used to elicit information and for disciplinary purposes. Prison officials interviewed about conditions in Pol-e-Charkhi told reliable sources that electricity was not provided to cells because too many prisoners used the current to commit suicide through electrocution.

The regime continues to impede or deny access by embassies to their imprisoned nationals. French journalist Alain Guillo, released from Pol-e-Charkhi in May, reported that he personally witnessed periodic unprovoked beatings of Iranian, Pakistani, and Tunisian prisoners. Wardens entered the cells early in the morning and beat prisoners seemingly at random. Diplomats report that imprisoned Italian journalist Fausto Biloslavo, released in June, was whipped across the back and shoulders by a Soviet officer.

In its 1988 Report, covering 1987, AI noted that it had continued to receive reports of torture and ill-treatment of the regime's prisoners, although on a lesser scale than in previous years. AI also took note of Aghanistan's ratification of the U.N. Convention Against Torture. AI said it also continued to receive reports of the torture of Soviet and Afghan soldiers and regime supporters by opposition groups.

d. Arbitrary Arrest, Detention, or Exile

There are no legal safeguards to prevent arbitrary arrest or detention. Afghans in areas controlled by the regime face unwarranted seizure by security personnel. Often, detainees are either not told of the charges against them before trial or are simply not brought to trial. Arrest warrants are not issued, nor is the right to judicial determination of the legality of detention respected. Detainees typically are held incommunicado, sometimes for years, as is the case with several hundred prisoners held in the WAD sections of Pol-e-Charkhi prison. Although bail is sometimes granted, it is not a standard feature of the regime's legal procedures. Formal charges may come only after months of interrogation.

Instances of arbitrary detention increased still further in 1988, principally as a result of the impressment of civilians into military service in Kabul and, to a lesser extent, in other regime-controlled cities. The Kabul regime's military and secret police cadre continue to impress large numbers of underage boys into the military, taking them from the street and sometimes from classrooms and homes. Regime authorities do not inform the parents of the young men of their impressment. Relatives of soldiers who desert are often arrested by the regime to punish the deserters and to deter others from deserting. In August the regime stepped up its drive for new recruits, and with increasing frequency began taking underage boys and old men, in addition to reconscripting persons who had already served their military stints. The induction center at Kandak-e-Tajammu was notable for the presence of mothers of missing children scanning the draft lists to see if their sons had recently "volunteered."

As an indication of the regime's need for new recruits, in August two foreign diplomats were accosted by plainclothesmen who told them that unless they could produce the appropriate documents, they would be inducted on the spot into the Afghan army.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

All courts are controlled by the ruling PDPA. Laws governing their organization and jurisdiction cite as a first priority the protection of the "revolution." As a consequence, plaintiffs may be denied their legal rights because of charges regarding their political beliefs. Most persons accused of nonpolitical crimes are tried in the civil court system under the norms of preinvasion judicial codes. Those political detainees who are charged and brought to trial are usually arraigned on allegations of treason, espionage, or terrorism, and are tried and sentenced in secret. As a rule, they must provide their own defense without benefit of counsel. Death sentences generally are carried out quickly after a perfunctory review by the authorities. There is no mechanism to appeal a death sentence. According to the Constitution, death sentences are carried out after the approval of the President. In areas not controlled by the regime, civil and criminal cases are tried by Islamic judges (qazis) and community elders under Islamic, or Shari'a, law and according to Afghan custom.

No precise estimate is available on the number of political prisoners held by the Kabul regime, but it is at least several thousand. The mujahidin are not known to hold political prisoners, although they do detain Soviet and regime personnel for extended periods. In its 1988 Report, AI noted that more than 7,000 political prisoners were said by the regime to have been released by the end of July 1987, following the announcement of a general amnesty in January, but that some political prisoners remained in prison. Reportedly among those released were three Kabul University professors who had been arrested for membership in a human rights monitoring group.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.

The Kabul regime and the Soviet occupation forces do not recognize the right to privacy. Civilian areas are frequently cordoned off and subject to search, often by Soviet troops. Afghans complain that regime and Soviet forces routinely confiscate property, including homes. In response to increasing mujahidin penetration of Kabul, the regime is resorting even more to house-to-house searches, which are frequently carried out in predawn hours. Telephones are frequently tapped and correspondence monitored. Citizens are warned not to listen to foreign broadcasts except from states friendly to the regime.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The regime tolerates almost no criticism of the Soviet Union in the public media, and private criticism can result in detention and arrest. There is no academic freedom. All

media are owned and controlled by the regime and tightly supervised by Soviet officials. The press, radio, and television are used exclusively to convey regime policy and the Soviet interpretation of world events. Soviet publications, films, and television are widely available in local languages to reinforce those views. The unlicensed import and sale of non-Soviet video and audio tapes, magazines, books, and posters are forbidden, though this ban is generally ineffective. Western radio broadcasts in local languages are frequently jammed, although some programs do get through.

Afghans are guarded in their conversations lest antiregime or anti-Soviet comments be reported to the secret police. For example, about 20 residents of Khair Khana in Kabul who were vocal in their accusations that Soviets were responsible for a rocket attack on their neighborhood were arrested and interrogated by WAD personnel.

b. Freedom of Peaceful Assembly and Association

There is no freedom of peaceful assembly or association in areas controlled by the regime. A party decree passed by the Revolutionary Council in 1987 supposedly provided a framework for expression of political views at variance with the views of the ruling PDPA, but the party continues to set the bounds for acceptable dissent. The regime regularly stages so-called "spontaneous" gatherings to convey the impression of popular support, including mass demonstrations in front of diplomatic missions. Unauthorized peaceful assemblies are dealt with forcefully. Parents have been warned that their children would be forced out of school if they refused to join official youth organizations. Large numbers of people from the upper and middle classes have fled the country because of severe restrictions on political and social activity. State-sponsored trade associations are closely modeled after those in the Soviet Union.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Afghanistan is an Islamic nation. Sunnis predominate, though there is an important Shi'a minority primarily concentrated in the Hazarajat region in central Afghanistan. Small enclaves of Hindus, Sikhs, and Jews traditionally have lived peacefully alongside their Muslim neighbors.

Since the 1978 coup, the regime has sought, with marginal success, to strictly supervise all religious organizations. The regime's policy pronouncements routinely invoke religious terminology in a cosmetic effort to appeal to the populace, and it has made some effort to win support from Muslims. In an attempt to win legitimacy, the regime sponsored a World Islamic Conference in 1988 which was attended mainly by front groups and shell organizations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel remains severely restricted by wartime conditions. According to Afghans, in 1988 the regime loosened its requirements and lowered the charge for obtaining a passport for foreign travel. Applicants for travel abroad

previously had to post a bond of about $900 or their principal residence as security. This requirement has been dropped in most cases, and the regime is reportedly issuing many more passports than in the past.

Extensive Soviet and regime mining of principal overland routes and passes creates serious risks for returning refugees, and has caused a large number of casualties. The regime estimates that over 150,000 Afghans have come back to Afghanistan in response to its appeals to return. No international organization regards this figure as credible.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have neither the right nor the ability peacefully to change their government. Afghanistan is a totalitarian state under the control of the PDPA, which is kept in power by the Soviet Union. The ruling PDPA is modeled closely on the Soviet Communist Party, and Soviet military and civilian advisors sit in virtually all regime offices and make or approve all significant decisions. Under military pressure from the mujahidin, the PDPA is discussing various ways of changing the Republic of Afghanistan's form of government in an attempt to preserve the ruling role of the PDPA. However, the plans discussed so far envisage the surrender of no real power.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The regime has continued to resist efforts by international humanitarian organizations to investigate human rights practices in Afghanistan. In January 1987, the Prime Minister granted the International Committee of the Red Cross (ICRC) permission to visit all persons detained in Afghanistan. At the same time, the ICRC launched a major program of medical assistance in Kabul. Negotiations on the terms for ICRC registration of, and visits to, prisoners at Pol-e-Charkhi prison, however, were subject to frequent breakdowns. Eventually, by mid-1988, the ICRC was able to visit most prisoners at the prison, but was barred from many of the WAD prison areas (some of which the regime denies exist), where large numbers of prisoners have been held without trial for as long as 10 years. In addition, the ICRC has been denied access to detention facilities--at least three major installations exist in Kabul--where torture reportedly is routine.

The regime invited the U.N. Special Rapporteur for Human Rights in Afghanistan to visit in September. Critics point out that the regime has been consistent in its attempts to deceive him. During a visit in January to Spin Buldak, for example, the Special Rapporteur was introduced to a group of people described as returned refugees. According to two residents of the area, however, these people in fact were civilian and military supporters of Esmatullah Muslim, a mujahidin turncoat and now an army general. In a January visit to Pol-e-Charkhi prison, the Rapporteur interviewed prisoners who in reality were reported to have been soldiers who donned prison garb. The regime carried out similar deceptions with foreign journalists who visited Kabul in August in connection with the Soviets' withdrawal of half their troops. In one instance, journalists were taken to a

purported resettlement house for returning refugees whose residents were later exposed by the journalists as fraudulent. For the most part, the journalists were confined to tightly planned itineraries; few, if any, were permitted to interview prisoners or see detainees, though many pressed for permission. Journalists who seek to report independently on developments in Afghanistan are often at risk. A Norwegian journalist, Astrid Morker, was killed on July 22 by a land mine while traveling with the mujahidin; she was accused by the regime media of being a spy. Western journalists imprisoned by the regime are often denied the most elementary rights, are denied contacts with consular officers and are often beaten by their jailers.

Some mujahidin groups periodically have permitted the ICRC and journalists to visit prisoners under their control, particularly Soviet prisoners. Others, however, have refused to cooperate with the ICRC and have prevented the ICRC from visiting prisoners held inside Pakistan. In 1988 some mujahidin commanders offered to allow the ICRC access to prisoners in their custody in return for ICRC access to prisoners held by the regime. The regime has granted the ICRC some access to prisoners in its custody. The ICRC reported a 30 percent increase in the prisoner population at Pol-e-Charki during the fall of 1988.

In its 1988 Report, AI noted a number of instances in which it had raised matters of concern with the regime in 1987, and said that it had failed to receive any response to its requests.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The participation of Afghan women in activities beyond the home and field is limited by traditional beliefs, customs, and religious practices. In areas under resistance control, the role of women follows traditional lines. The social position of some women, generally those associated with the PDPA, has improved somewhat in Kabul and other regime-controlled cities. Access of young women to higher education has increased in Kabul after the loss of large numbers of young men because of conscription into the RA military, joining the mujahidin, or refugee flight. For similar reasons, the role of women in some nontraditional occupations such as banking, television, radio, and the civil service has expanded. Few women, however, hold responsible, decisionmaking positions.

Afghanistan is home to several religious sects and a number of ethnic, tribal, and linguisitic groups whose relations to one another have traditionally been marked by rivalry and, occasionally, hostilities. The regime reflects these rivalries, but also takes advantage of them for its own purposes. For example, the regime continued its practice of dispatching troops drawn from one ethnic group to parts of the country where that group is not represented, often resulting in hostilities between the groups. This practice continued in primarily Pushtun Kandahar where hundreds of Uzbek troops from the north were reintroduced in the autumn. These troops reportedly looted and raped at will, resulting in a breakdown of law and order, killings, and new refugees. Shi'a Muslim resistance groups are not represented in the seven-party resistance Alliance, in part because of traditional antipathy and discrimination on the part of Afghan Sunnis toward their Shi'a countrymen.

AFGHANISTAN

Section 6 Worker Rights

a. The Right of Association

The Constitution and the labor law (enacted in 1987) assert that individual workers have the right to form trade unions. Trade unions are theoretically independent of state organs but are overseen by the Central Council of Trade Unions, an umbrella organization controlled by the ruling PDPA. In practice, however, the structure of union organization is modelled on that of the Soviet Union, and there is no evidence of worker participation in decisionmaking. There is no provision in RA law for the right to organize independent unions, and there is no right to strike. Workers have been threatened with loss of jobs or imprisonment for refusal to join party organizations.

The Central Council of Trade Unions is affiliated with the Communist-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Within the constraints mentioned above, workers have the theoretical right to organize and bargain collectively. According to the labor law, in large economic organizations, at the end of each Islamic year, a new collective contract is signed following negotiations "between the administration and the Council of Representatives after the confirmation of the workers' collective." In practice, there is no genuine labor-management bargaining and the workers' collective rubber stamps decisions taken by officials.

There is no indication that there are any special economic or export processing zones, and labor laws and practices appear to be uniform throughout the country.

c. Prohibition of Forced or Compulsory Labor

The Constitution forbids the imposition of forced labor, but notes that the "performance of compulsory labor in wartime, natural calamity, and other states of emergency which threaten public life and order shall be excluded from this." Given that wartime conditions exist, this provision is in effect a dead letter. The most frequent manifestation of the use of forced labor is the "voluntary" labor engaged in by students who are seconded for a short time to the military for construction projects and then returned to school. For example, in January approximately 400 Kabul youths were sent to Kandahar where they spent 2 months working on military construction projects, after which they were sent back to their classroooms.

d. Minimum Age for Employment of Children

The labor law specifies the conditions of work for adolescents (those aged 13 to 18), noting that adolescents aged 13 to 15 should only work a maximum of 30 hours per week, and those aged 16 to 17 should not work more than 35 hours per week. The law also specifies that adolescents should receive the same pay as persons 18 and older.

e. Acceptable Conditions of Work

The labor law stipulates that the usual hours of work on average should not exceed 40 hours in a week, and that on Thursdays working time should not exceed 5 hours. Provision is made for time off for prayers, meals, holidays, weekends, annual leave, sick leave, and emergency leave. No information on any statutory minimum wage is available. There are general provisions which set out the employer's responsibility to ensure healthy and safe conditions of work, and accident compensation. With regard to enforcement mechanisms to ensure fair and safe labor practices, there appear to be none that are effective. The State Committee on Labor and Social Security is understaffed and, like most ministries and state committees of the current regime, not very active. There has been some discussion about setting up labor courts and other mechanisms for the resolution of disputes, but no action has been taken.

ALGERIA

Algeria is a Socialist, Islamic state in which power is vested in a single political party, the National Liberation Front (FLN). As party Chairman and Minister of Defense, President Chadli Bendjedid holds the key decisionmaking positions. Nonetheless, most important decisions are taken by a consensus of the military, government, and party elites, who share the common experience of their struggle for independence from France, won in 1962. Though a new generation of technocrats has begun to emerge, a sense of revolutionary, anticolonial mission remains basic to the ruling elite's perception of Algerian national goals.

Internal security is maintained principally by the urban police and the gendarmerie, which generally adheres to constitutional guarantees against arbitrary arrest and imprisonment. They are supported by the military security forces, which have greater leeway to make arrests. The military security forces and the police were accused of widespread abuse and torture of detainees during riots which broke out in Algiers and several other cities in early October. The Government has undertaken an investigation into these charges.

The Government is continuing its shift in emphasis from heavy industry to the development of agriculture, job creation, devolution of economic decisionmaking and the satisfaction of unmet social needs. It has been hampered in reaching these goals, however, by low oil prices, high population growth, and inflation.

The October riots, in which destruction was extensive, apparently were the immediate result of popular frustration over basic commodities shortages and rising prices. When civilian police were unable to restore order after 2 days, the Government invoked martial law and used the army to quell the rioting. The Interior Minister reported that 159 people died, including 154 demonstrators and 5 police officers. Other accounts indicated the death toll may have been as high as 800. The Justice Minister said 3,743 people had been held on charges related to the riots, but the Government released a number of these detainees shortly after the unrest, and on November 1 President Bendjedid granted provisional liberty to those still in custody. As of the end of 1988, those already tried and convicted on riot-related charges reportedly were freed pending appeal of their cases, although there has been no indication of when the courts would take up the appeals.

Following the disturbances, President Bendjedid declared his intention to expand public participation in political life. He held a referendum on November 3 on a proposal which to some extent reduced party dominance by making the Prime Minister answerable to the National Assembly rather than to the President, as in the past. The Government also announced additional changes, including reform of the FLN, which were endorsed at the November 27-28 FLN party congress and later will be submitted to another referendum. The party reforms allow non-FLN candidates to run in local, provincial, and national assemblies elections and grant some autonomy to FLN "mass organizations." The FLN congress also endorsed President Bendjedid's nomination for a third presidential term, and he was reelected December 22 in a referendum-style election in which he ran unopposed.

ALGERIA

Although the Algerian Human Rights League (ALHR) lobbied successfully for the release of almost all political prisoners, civil liberties remained restricted in 1988. The principal human rights concerns were the large number of deaths and injuries which resulted from the use of military force to quell the October riots, and reports that emerged late in the year of widespread torture employed by government forces during the disturbances. President Bendjedid met with ALHR representatives to review concerns resulting from the riots, and the Government has undertaken an investigation into torture allegations; thus far, no specific findings have been announced. Late in the year the ALHR criticized the Government's banning of an event focusing on the torture allegations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of deliberate political killings. However, as noted above, at least 159 persons were killed during the October riots when the military was called in to quell the disturbances.

b. Disappearance

Abductions, secret arrests, and clandestine detention are not known to be practiced. There were no reports of such practices in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution prohibits torture, there were a number of reports that torture was employed by the security forces on a wide scale during and after the October riots. The French-language weekly Algerie Actualite published accounts graphically describing the experiences of six reported torture victims, and the ALHR released a report of its commission of inquiry into human rights abuses in which it found that there were 51 reported cases of torture out of 228 reported cases of human rights violations which it had examined. The report stated that the methods of torture included beating, clubbing, knife wounds, electric shock, forcing detainees to crawl nude across glass and gravel, sexual violence, sodomization, burning with cigarettes, and forced swallowing of noxious liquids. According to the ALHR report, one of the victims died as a result of torture.

In a speech to the FLN sixth party congress, President Bendjedid, reiterating his opposition to the use of torture, said he had instructed the Justice Ministry to investigate reports of torture. The Government also dismissed the chief of the military police that reportedly used torture, but as of year's end no charges relating to torture had been filed against security forces' personnel.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that no one may be held, arrested, or prosecuted except as provided by law. It also provides that detention for questioning in criminal investigation cases

cannot exceed 48 hours, after which the suspect must be charged or released. This period may be extended to 4 days in ordinary criminal cases and to 8 days in state security cases. Detainees must be informed immediately of charges against them. Once charged, an individual may be held under preventive detention indefinitely while his case is being investigated. There are frequent charges of incommunicado detention of suspects, principally by the military security forces. There is no bail system. Lawyers are entitled to have access to their clients at any time. Meetings are supervised visually by a guard.

Amnesty International (AI) has noted its concern about cases of prolonged incommunicado detention, and leaders of the ALHR declared in 1987 that elimination of this abuse as well as the practice of "administrative" or technical house arrest was their first priority. Although the League has been encouraged by President Bendjedid to promote respect for the law by all agencies of government, the ALHR did not forcefully pursue this sensitive issue during 1988. The League announced that it would issue a report on preventive detention in 1989.

In October, prior to the riots, the Government reportedly rounded up labor activists associated with the outlawed Communist Parti L'avant Garde Socialiste (PAGS), believing they instigated strikes at major state enterprises around the country. Later, during the rioting, the Government announced the arrest of over 900 persons, reportedly including several hundred demonstrators caught in the act of rioting, and an unknown number of individuals, many of them university professors and leftists, detained because of their opposition political activities. Within 10 days after the rioting, however, the Government made public its intention to prosecute only those adult detainees who had been accused of criminal conduct during the disturbances and to release all other detainees. Most of those detainees were released soon after the announcement, and it appears that the rest have since been freed.

Persons arrested for the expression of views critical of or different from those of the Government are generally charged with disturbing the public order, associating with illegal organizations, or, in extreme cases, threatening state security.

Exile is not a legal form of punishment in Algeria. A number of opposition figures, notably former President Ben Bella, live abroad to escape arrest and trial.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system is divided into three parts: civil courts, military courts, and the State Security Court. There are no Islamic courts in Algeria. The civil courts are generally independent of executive or military control. Military courts deal directly with espionage and with offenses committed by military personnel. The State Security Court, located at Medea, is not in permanent session but has jurisdiction over cases that are deemed "to endanger the national security." At least a ministerial-level decision is required to refer a case to the State Security Court, which generally provides procedural protection similar to that of

civilian courts. Interested observers are allowed to attend trials held in this court.

Defendants in civil and security courts have free access to counsel, and there is no harassment of defense counsel. The Algerian Bar Association has a pool of lawyers who provide free services to defendants who cannot afford private counsel. As far as is known, defendants are made fully aware of the charges against them at the time they are bound over for trial. Defendants have the right to confront witnesses and present evidence. Trials are public, although not generally publicized, and defendants have the right to appeal.

In the first days of October's civil unrest, the Government announced that persons arrested would be tried in "special tribunals" set up to handle speedily the large number of cases resulting from the riots. Within days, the special tribunal at Annaba had handed out heavy sentences to six detainees. In mid-October, however, after the ALHR had publicly condemned such tribunals, the Government announced that persons arrested during the riots would be tried in the regular court system, with full benefit of their right to a competent defense. Those sentenced in Annaba, like all others prosecuted on riot-related charges nationwide, have been released pending appeal under President Bendjedid's November 1 grant of provisional liberty.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Membership in political organizations is not required, except for senior government and military officials who are almost always members of the FLN party. An efficient police force, responsible for tracking possible sources of dissent, is believed to use informers. It is also believed that the police use telephone monitoring systems, rarely with prior court authorization.

The Constitution provides for the inviolability of the home and it is generally respected, except in cases involving military security. Police may not enter a house without a warrant from the local prosecutor or investigating magistrate, and may not enter a residence during night hours.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution includes a provision for freedom of expression, it also states that such freedom may not be used to "undermine the foundations of the Socialist revolution." In practice, all print media are published either by the Government or the party, and all journalists are government employees. The distribution of foreign newspapers and magazines is controlled.

Some foreign publications are available only in small quantities. However, the French-language weekly Jeune Afrique is proscribed because it is seen as hostile to Algerian interests, and the French daily Le Monde is occasionally seized. Radio and television stations are government controlled. Before the October riots, the Government had not permitted criticism of its authority, the one-party system, or Algerian foreign policy. Criticism of specific domestic programs and policies, corruption and inefficiency in

government, and even to some extent the Socialist system was allowed. Since the riots, however, the Government has allowed greater freedom of expression and permitted more criticism of Algerian political and economic institutions. Such criticism may appear on state-run television, in the weekly organ of the ruling FLN Party, Revolution Africaine, and in the weekly newspaper Algerie Actualite.

b. Freedom of Peaceful Assembly and Association

All nongovernment associations must be approved by state authorities who have traditionally refused to recognize groups with political, economic, or social views that differ from those of the FLN. In 1987, however, the Law on Associations was amended to permit most citizens' organizations to begin functioning without obtaining advance approval from the Interior Ministry. However, approval must be obtained by associations concerned with politically sensitive matters or matters in which foreigners are involved. The ALHR set the precedent as the first important association allowed to exist outside the FLN structure and control; other new associations have begun to follow, for example, the Algerian Consumer Association and the Family Planning Association. Since the October riots a number of independent organizations of professional groups and others have formed to protest the authorities' use of torture during the unrest. These groups appear to be operating without official sanction and it is unclear whether they will be permitted to continue their activities.

Mass organizations for youth, women, farmers, veterans, labor, and professional groups are all tightly controlled by the party and constitute the primary government-recognized associations. They are intended to play key political roles in mobilizing popular support for various government programs and elections and maintain relations with recognized international bodies in their fields. During its November 27-28 party congress, the FLN endorsed a plan to grant some autonomy to these mass organizations by, for example, dropping the longstanding requirement that they be headed by FLN members.

Although individuals are technically free to assemble, security personnel watch public gatherings closely. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Legally an Islamic state, Algeria protects the rights of the very small Christian and Jewish populations to worship in their churches and synagogues. There is little evidence of individual prejudice. The Christian clergy directs its activities to the foreign community. The Islamic clergy is government trained. Friday mosque sermons are not formally censored, but government monitoring constrains the Islamic clergy's freedom of expression. However, flourishing mosque construction, largely financed by private donations, has exceeded the government's ability to provide trained imams and thereby to control proceedings at all the country's mosques. The yearly pilgrimage to Mecca is government organized.

ALGERIA

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom to travel within Algeria and abroad and to emigrate is provided for by law and generally is respected in practice. An exit visa is no longer required, but men who are 19 years of age or older must have proof of completion of mandatory 2-year military service, and employees of state organizations who are paying back educational scholarships through work must have valid leave papers to exit the country. Passports sometimes take months to acquire, although this situation is improving. The amount of hard currency which Algerians may carry abroad (the equivalent of $200 once every 4 years) had been the primary limitation on foreign travel, and in late 1988 the Government suspended even that meager allowance as part of stringent economic austerity measures imposed to cope with its rising international debt.

Foreign diplomats must apply for permission to travel farther than 50 kilometers from Algiers. The 50-kilometer limit for diplomats is not strictly enforced, and permission to travel farther is quickly granted upon application. Travel within Algeria for other travelers is generally unrestricted, except in areas designated as "military zones." Visitors must register with the local police if they are staying overnight. Gendarmerie checkpoints in the countryside routinely inspect vehicle registrations and occasionally search vehicles.

The Constitution provides for the right of political asylum. It is estimated that more than 100,000 refugees from the Western Sahara live in camps in southwestern Algeria. They are largely supported by the Government and, to a much lesser extent, by the U.N. High Commissioner for Refugees (UNHCR). Algeria continues to provide refuge and support to an estimated 11,000-12,000 drought victims from Niger and Mali located in 4 camps near Tamanrasset. The Algerian Government continues to hold discussions with the Niger and Mali governments and with international organizations on the conditions for returning these remaining drought victims to their countries of origin, but little progress is evident.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under Algeria's one-party system, citizens do not have the right to change their government, and civil liberties remain restricted. Political rights, in particular, have been circumscribed by the party and the Government, which have limited the electoral choices and restricted public debate to officially sanctioned forums and issues. During its November 27-28 party congress, however, the FLN endorsed a plan to allow non-FLN candidates to stand in local, provincial, and national assemblies elections.

Major political decisions are made by the top leadership of the party, Government, and military, all three headed by President Bendjedid. The political process has been confined to the single party, which significantly limited deviation from the path prescribed by the ruling authorities. Basic policy decisions are not strictly questioned, but popular grievances are supposed to be aired within the party organization. Some diversity of views is also evident in the National Assembly, the provincial and local councils, and the government-controlled press. The National Assembly, whose members in the past have all been nominated to run for

election by the FLN, has begun to assert itself in recent yearsby modifying in a conservative direction key aspects of government-sponsored reform legislation. Some very limited political opposition, such as student demonstrations, is tolerated. Opposition political tracts are sometimes circulated, almost certainly with official knowledge, but persons caught with them may be subject to arrest. More expression of criticism has been tolerated since the October disturbances.

The October riots revealed limitations on the ability of the FLN to serve as the primary mechanism for interaction between the Government and the people. A negative public attitude toward the FLN evidenced by attacks on party and government installations in many localities led to efforts to reform the party.

There is universal adult suffrage. In past elections, candidates for public office were nominated by the party, but voters usually had a choice among two or more candidates. However, in presidential elections, there is only one candidate, nominated by the FLN congress. The November 27-28 congress nominated President Bendjedid for a third term. He was subsequently reelected on December 22, receiving 10.6 million votes out of a total of 11.6 million votes.

Women are moderately active in political life. Four women are members of the FLN's Central Committee, and 60 women ran for seats in the 295-member National Assembly in elections in 1987. However, only 6 were elected, marking a decline from the previous number of 10 female deputies.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The officially recognized Algerian League of Human Rights (ALHR), established in 1987 by a number of independent Algerians, grew to 350 members in 1988 with representation in nearly half of the country's provincial districts. As noted above, it lobbied successfully in 1988 for the release of almost all political prisoners. Following the October riots, the group reviewed with President Bendjedid its concerns about human rights abuses during the disturbances, and formation of commissions of inquiry to examine these allegations. It also called for a national investigative commission to determine the causes of the disturbances. President Bendjedid instructed the Justice Minister to investigate reports of torture. By year's end the Justice Ministry had taken no specific action against any individuals. The ALHR issued a statement December 31 applauding President Bendjedid's commitment to civil liberties, but denouncing recent government actions which it said seemed to run counter to that commitment, including the banning of a "symbolic trial of torture in Algeria," to have been sponsored by the Committee for National Mobilization Against Torture, and a roundtable human rights discussion organized by the FLN's weekly publication Revolution Africaine.

The Algerian Government normally does not readily discuss its human rights record with outside governmental or nongovernmental organizations. Although the Government gave official recognition in 1987 to the ALHR, it continued to refuse to recognize internationally known human rights lawyer Ali Yahia Abdennour's unsanctioned human rights league. After

releasing from prison or house arrest all the members of this league in 1987, in 1988 the Government granted Abdennour himself permission to travel outside the country. In September Abdennour was arrested by Algerian authorities and charged with making antigovernment statements to the press while in France in August, but he was subsequently released. Efforts to date to establish an office of AI in Algiers also have not been successful.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

It does not appear that minority groups are treated unfairly in access to jobs, housing, education, and health care. The Government's difficulties in meeting these social needs are mostly linked to the country's extremely rapid population growth, and minorities seem to fare no better or worse than the Arab majority. The Government continues to give special attention, however, to the building of houses, schools, and municipal infrastructure in Berber regions. One result is that the rate of school attendance among Berbers is higher than in most other parts of the country. Nevertheless, Berber ethnic consciousness remains strong and is fueled mostly by their desire to preserve their distinctive cultural identity and language in the face of the Government's emphasis on the development of Algeria's Arab identity. Berber spokesmen assert that the Government seeks to repress the distinct Berber culture, including teaching and propagation of the Berber language.

Women generally enjoy equality under the law, but there are exceptions. For example, the 1984 family code permits polygamy, makes it more difficult for a woman than a man to obtain a divorce, and awards only 4 months of alimony to the woman in the event of divorce, regardless of the husband's means and the circumstances under which the divorce was obtained. Both culture and tradition make it difficult for women to follow an independent path; a woman remains throughout her life under the legal guardianship of a man--whether husband, father, or brother--regardless of her age or civil status.

About 250,000 Algerian women work outside the home and an increasing number are trained and employed in the professions. Women serve in the armed forces. The literacy rate in Arabic or French (or both) among males over the age of 9 is 65 percent and only 40 percent for females in the same category. However, an effort has been made to close the gap separating women from men in education. According to government statistics, 72 percent of all school-age girls were enrolled in 1985. The rate of female school attendance varies widely from urban centers to conservative rural areas. The Government has established a nationwide educational program for women encouraging proper spacing of pregnancies as a means of safeguarding the mother's health, improving infant care, and reducing the high population growth rate. The program provides free access to contraceptives and counseling on a voluntary basis. Abortion is illegal in Algeria. There are no coercive population control practices.

ALGERIA

Section 6 Worker Rights

a. The Right of Association

Workers do not have the right to form autonomous labor unions. In 1987 the International Labor Organization (ILO) Committee of Experts reported that the single trade union system in Algeria was reinforced by legislation and acted to deny workers the possibility of establishing and joining organizations of their own choosing. Since 1962 the right to organize and represent workers has been the prerogative of the General Union of Algerian Workers (UGTA), an FLN "mass organization." Though considered a government entity, the UGTA in 1988 took on more of an activist role, particularly concerning wages and job security, as the effects of the Government's austerity program were increasingly felt. In late 1988 there were widespread instances of workers defying the UGTA and establishing independent, factory-level trade unions.

Strikes are illegal in the public sector, and may only be called in the private sector upon the approval of the UGTA authorities. The ILO Committee of Experts has pointed out that legislation prescribing prison sentences for striking workers is an infringement of the right to strike. It has also noted the impropriety of having internal union strike decision procedures determined by an official presidential ordinance rather than by union bylaws. In several recent instances, however, workers in private enterprises have successfully engaged in unsanctioned work stoppages to win more pay and protect benefits. Moreover, in the fall of 1988 there was a wave of strikes by public employees and workers in state enterprises without apparent legal reaction. Still, most labor-management disputes are resolved in face-to-face meetings, often with the intermediary presence of Labor Ministry inspectors.

b. The Right to Orgar ze and Bargain Collectively

A new labor law, passed in July, maintains UGTA's status as the sole authorized worker's representative, while providing for full representation and unfettered organizing under UGTA auspices, collective bargaining, access to the workplace, unrestricted issuance of union publications, and time off for official union activities. In the wake of labor unrest in the fall, however, the July reforms remain to be translated into practice and further revisions of labor legislation appear possible. Antiunion discrimination remains illegal, and unions are granted the right to initiate collective and individual court cases against employers. Labor laws are enforced uniformly throughout the country. There are no export processing zones in Algeria.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor.

d. Minimum Age for Employment of Children

The minimum employment age is 18 years old. The minimum age is enforced in the state sector, the country's largest employment sector. It is unregulated in the small private sector, but violations are not widespread.

ALGERIA

e. Acceptable Conditions of Work

The new law did not change Algeria's employment standards. There is a 44-hour workweek and strict occupational and health regulations. The legal minimum wage is very low--$225 at the official exchange rate--and is not adequate to provide a family with a decent standard of living, given the large average size of Algerian families.

BAHRAIN

Bahrain has been ruled by the extended family of the Al-Khalifa, which dominates its society and Government, since the late 18th century. The Amir, who is confirmed by the Constitution as hereditary ruler, governs Bahrain with the assistance of his brother, the Prime Minister, and an appointed cabinet of ministers. The Government has suspended some provisions of Bahrain's 1973 Constitution, including those articles relating to the National Assembly which the Government disbanded in 1975. There are few judicial checks on the Amir and his Government.

The Ministry of Interior is responsible for public security, and has a large and effective police force, numbering about 2,500, at its disposal.

Bahrain's leaders seek to foster the open social and commercial environment needed to attract international business while protecting the ruling family's preeminence, preventing sectarian violence, and thwarting externally inspired subversion. The economy has benefited from the region's economic boom over the last two decades and the gross domestic product is growing at about 5 percent annually.

Bahrainis are divided between Shi'a and Sunni sects of Islam, the Shi'a sects comprising over two-thirds of the population. The ruling family is Sunni, and the Sunni community tends to be wealthier and more influential than the Shi'a, although there are exceptions. While extreme poverty is rare and the Government attempts to assure full employment, the Shi'a as a group are disadvantaged, a situation which adds to the potential for externally inspired subversion. Two clandestine political groups with links to Iran have drawn support from some Shi'a, and two underground, secular, leftist groups advocate violent political change. There has also been an increase in the number of groups supporting Iranian-inspired Islamic fundamentalism.

There was little change in the human rights situation in 1988. Civil liberties remained restricted, and there were continuing reports of arrests for antiregime political activities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law, and there is no evidence of a policy of systematic physical mistreatment of criminal offenders. However, Amnesty International (AI), in its 1988 Report covering 1987, noted that it had received allegations of torture in Bahrain and cited the case of 18 alleged members

of the banned Bahrain National Liberation Front (BNLF) who were tried in 1986 and 1987 on charges of supporting the BNLF. AI reported that the defendants alleged in court that they had been held incommunicado for several months after their arrest and had been forced to make confessions under torture. According to AI, an examination by a forensic medical doctor found, in some cases, scarring on the bodies of the accused consistent with the type and timing of torture alleged. AI also noted that basic safeguards against torture were lacking. Although there were allegations, there were no confirmed reports of torture in 1988.

In the past, persons suspected of security offenses have suffered physical abuse at the hands of individual interrogators while detained or under arrest; a few have reportedly died in prison under unexplained circumstances. There are no reliable reports about what happens during detention in security prisons (where questioning may continue after sentencing) since visits by nongovernment persons are generally prohibited. Medical examinations by nonprison doctors have also been denied.

d. Arbitrary Arrest, Detention, or Exile

Political activity is tightly controlled by the security forces, and persons are sometimes detained arbitrarily on suspicion of antiregime activity. Activities that could lead, under provisions of the security law, to questioning, warnings, or arrest include membership in subversive, illegal organizations, painting antiregime slogans on walls, joining antigovernment demonstrations, possessing or circulating antiregime writings, preaching sermons with a radical political tone, or harboring or associating with persons committing such acts. In the past, detainees have sometimes been held incommunicado for lengthy periods, although family members can usually learn of a detainee's whereabouts. Confessions are common following such prolonged periods of incommunicado detention. It was alleged that several children were detained and held incommunicado by security forces after the 1988 'Ashura celebration (a Shi'a religious observance), during which an antigovernment demonstration took place. The children were reported to have been released after 24 hours in custody.

Persons imprisoned for political offenses are sometimes released on the condition that they immediately go into exile. With regard to a discussion of forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A person arrested may be tried in either a civil court or the Security Court. Civil trials provide procedural guarantees, including open trial, the right to counsel (with legal aid available to indigents), and the right to appeal. Security cases, however, are tried directly by the Supreme Court of Appeal, sitting as the Security Court. Trials are held in secret, there is no right to judicial review of the legality of arrests, and the court is exempted from adhering to the procedural guarantees of the penal code. Sentences imposed by the Security Court can, at the discretion of the court, be referred to the Amir for clemency, a procedure not customarily followed in civil court cases.

BAHRAIN

The Bahrain Defense Force maintains a separate court system for military personnel accused of offenses under the military code. These courts do not review cases involving civilian criminal or security offenses. Reliable estimates indicate that fewer than 50 persons are now being held for political reasons. AI estimated that there were over 100 political prisoners at the end of 1987.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Interior Ministry can authorize entry into private premises without judicial authorization. Telephone calls and correspondence are subject to monitoring. Police informer networks exist.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the right "to express and propagate opinions," but in practice Bahrainis cannot freely challenge the legitimacy of the regime in speech or writing. Political meetings are not permitted; gatherings which might take on a political tone are monitored through informers. Criticism of government policies and programs in such areas as municipal services, unemployment, and education is tolerated and commonly seen in the press.

The Information Ministry exercises wide powers over the local media, and the press generally follows official policy closely. In the past, minor deviations have brought closure of the offending newspapers. There have been no closures since 1980, primarily because editors fully understand the limits of government tolerance. In 1988 local newspapers were given more leeway in their coverage, including criticism of the Government, than in the past. Bahrain is generally open to international media. The State owns all radio and television stations. All newspapers are privately owned but subject to government censorship. A former Information Ministry official serves as the editor of the only Arabic daily paper, which is regarded as semiofficial.

b. Freedom of Peaceful Assembly and Association

Although the Constitution affirms the right of free assembly, public political demonstrations or meetings are prohibited. A number of professional organizations exist, including groups of lawyers, physicians, engineers, and businessmen. The large number of social and sports clubs have traditionally served as forums for discreet political discussion. The Government monitors the activities of these organizations, which are generally small and limited in scope.

Permits must be obtained for meetings in public places. Permits for religious ceremonies, including Shi'a, are routinely granted. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The native population is overwhelmingly Muslim, and Islam is the state religion. Expatriate Christians and other non-Muslims, including Jews and Baha'is (15 percent of the population), maintain places of worship and enjoy considerable

freedom to practice their religion. Christian publications are readily available in bookstores, but proselytizing is not permitted.

Both Sunni and Shi'a religious assemblies are subject to government control and monitoring, but there is no interference with routine worship or religious activities. Public religious events, most notably commemorative marches by members of the Shi'a community, are permitted but are closely watched by the police. There are restrictions on the number of Bahrainis permitted to make pilgrimages to Shi'a holy sites in Iran and Iraq. Religious study in Iran by Bahrain Shi'as is strongly discouraged.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bahrainis are free to move within the country and change their place of residence or work. Passports for foreign travel can be denied on political grounds. Some persons living abroad and suspected of political offenses may face imprisonment without public trial upon return to Bahrain. Refugees are not repatriated to countries they have fled, but are obliged to depart Bahrain immediately. Some Iranian emigrees, who have fled Iran since 1979, have been permitted to remain in Bahrain, but they have not been granted citizenship. The Government discourages travel to Iran, especially by Shi'a.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Bahrain has no formal democratic institutiions. Consequently, most of its citizens do not have a say in the choice of leaders or in changing the political system. Bahrain is ruled by the Al-Khalifa family, headed by the Amir. All government positions are appointive. About one-third of the cabinet ministers are Shi'a, although they do not hold key portfolios. The average Bahraini citizen can attempt to influence government decisions only through the submission of written petitions and informal contact with senior officials, including through attendance at the Amir's frequent, regular public audiences. Neither political parties nor opposition organizations are permitted.

There are four clandestine political groups that advocate violent revolution. The Islamic Front for the Liberation of Bahrain, the group responsible for the 1981 coup attempt, and the Islamic Call Party have ties to Iran and attract Shi'a support. Both call for the establishment of an Islamic Republic. Public displays by their proponents increased during the year. This was caused, at least in part, by the emotions generated by the Palestinian intifada (uprising) in the occupied territories and by increased U.S. naval involvement in the Gulf. Two underground leftist groups, the Popular Front for the Liberation of Bahrain and the National Front for the Liberation of Bahrain, have ties with radical Arab regimes and the Soviet Union. Their influence in Bahrain appears to be on the decline.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No internal human rights organizations exist. Representatives of AI visited Bahrain in 1987 and were received at high levels

within the Government. Following this visit, AI gave the Government a set of detailed recommendations about measures needed to protect human rights, and urged the Government to ratify major international human rights agreements.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Although there are notable exceptions, Sunni Muslims enjoy a more favored status than the Shi'a, who form approximately two-thirds of the population. Sunnis receive preference for employment in sensitive positions, including in the defense force and the managerial ranks of the public and private sectors. Statistics are unavailable but Shi'a tend to be employed in lower paid, lesser skilled jobs than Sunni workers. Social and municipal services in most Shi'a neighborhoods, particularly rural villages, are markedly inferior to those found in Sunni communities. The Government has tried to remedy social discrimination, improve Shi'a living conditions, and encourage sectarian integration through the development of government-subsidized housing complexes, open to all Bahrainis on the basis of financial need. Approximately one-third of the Amir's cabinet are of the Shi'a sect.

Many legal rights of concern to women are subject to Islamic law. Specific rights vary according to Shi'a or Sunni precedent. In general, women have rights to their own property, but daughters receive a smaller inheritance than sons, and a widow must share her husband's estate with her children. Although a wife may obtain a divorce, she must specify grounds. A non-Muslim woman automatically loses custody of her children if she divorces a Muslim husband. Women must obtain the permission of the male head of the household to obtain a passport.

With the development of the Bahrain economy, women have increasingly taken jobs previously reserved for men, and now constitute about 18 percent of the work force. The Government has enacted special laws to promote female entry into the work force, and is itself a leading employer of women. Most of their positions are clerical, but women hold some senior jobs, including the director of the Bahrain broadcasting service and the director of Bahrain's national museum. There are women's organizations which have as part of their agendas the objective of improving the status of women under both civil and Islamic law. These organizations are supported by the Government. Many women have traditional views of Islam and voluntarily adopt socially conservative roles.

Section 6 Worker Rights

a. The Right of Association

The Constitution recognizes the right of workers to organize. The Government has encouraged--and closely controlled--the formation of elected worker's committees in major companies. These committees now represent over 10 percent of the work force. The workers' committees choose members of a national committee. This body represents Bahraini workers in the International Labor Organization. Expatriate workers, about 60 percent of the work force, are denied these limited association rights. There is no right to strike.

b. The Right to Organize and Bargain Collectively

Workers' representatives are empowered to discuss wages and working conditions with management.

Mina Sulman, Bahrain's major port, provides a free transit zone to facilitate the duty-free import/export of equipment and machinery. Another free zone is located in the North Sitra Industrial Estate. The same labor laws, regulations, and practices apply in these zones as are in force elsewhere in Bahrain.

c. Prohibition of Forced or Compulsory Labor

The Government prohibits the use of forced or compulsory labor.

d. Minimum Age for Employment of Children

The minimum age for employment is 14. Juveniles between the ages of 14 and 16 receive special protection under the labor laws. They may not be employed in hazardous conditions or work at night, and may not work over 6 hours per day or on a piecework basis. Child labor laws are enforced.

e. Acceptable Conditions of Work

Bahrain's labor law, enforced by the Ministry of Labor and Social Affairs, establishes acceptable conditions of work for all adult workers, including standards regarding minimum wages ($1.60 per hour), hours of work (maximum 48 hours per week) and occupational safety and health. Expatriate workers (60 percent of the work force) are seriously disadvantaged by the requirement that all foreigners must be sponsored by Bahrainis in order to work. Under this system, sponsors can cancel the residence permit of any person under their sponsorship and blacklist individuals so that they cannot obtain entry or residence visas from another sponsor. Such power contains the inherent potential for exploitation, and foreign workers are often unwilling to report abuses for fear of forced repatriation. Bahrain's labor law does not recognize the concept of equal pay for equal work. Asian workers are often paid less than Bahrainis or Westerners with the same qualifications, and women are generally paid less than men.

BANGLADESH

The Bangladesh Constitution provides for a presidential form of government and a unicameral Parliament of 300 members. The President appoints the ministers, 20 percent of whom do not have to be members of Parliament. The Prime Minister, also appointed by the President, serves more as the leader of the majority in Parliament than as leader of the Government. H.M. Ershad, then the Army Chief of Staff, took power in 1982 in a bloodless coup and was elected President in 1986 in an election boycotted by the major opposition parties.

The present Parliament was elected in March under the state of emergency declared in November 1987 in the face of a succession of general strikes and opposition demonstrations calling for Ershad's ouster. Because prohibitions on political activity were not strictly enforced, the state of emergency apparently had little effect on the voting. The election, however, was boycotted by the major opposition parties which called for a strike during polling hours and was marred by low voter turnout, some violence, and voting irregularities. President Ershad's Jatiyo Party won 252 of 300 seats, with the remaining 48 seats going to several small parties.

President Ershad lifted the 138-day state of emergency on April 12, formally restoring fundamental constitutional rights. In practice, the Government had not strictly enforced prohibitions against public meetings and rallies under the state of emergency; opposition-sponsored demonstrations, rallies, and hartals (general strikes) generally proceeded without police action.

A January rally in Chittagong was an exception; approximately 20 persons were killed in a clash between police and opposition supporters. In addition, many opposition figures who had been arrested in late 1987 and then released were rearrested in early 1988 under the Special Powers Act (SPA) of 1974, which permits detention without charge. Most detainees were released by mid-April.

Internal security is maintained primarily by the police and the paramilitary forces, which are all under the control of the Home Affairs Ministry. The paramilitary forces include the Bangladesh Rifles, primarily responsible for border security, and the Bangladesh Ansars, a home guard which assists the police in maintaining law and order. The army has also undertaken operations in the Chittagong Hill Tracts against tribal insurgents. In 1988 the Shanti Bahini (peace force) insurgents killed at least 56 Bengali settlers in various raids. Unlike previous years, there were no reports of retaliation by security forces in the area.

Bangladesh is one of the world's poorest and most densely populated countries. The Government's key programs aim at economic development through reduced population growth, increased crop yields, decentralization of administration, and development of the private sector. Strikes by the political opposition in the first quarter of the year damaged the economy to some extent. Devastating flooding from June through September and a cyclone in November brought further economic hardship.

The 1988 human rights situation improved over that of 1987. The state of emergency imposed in 1987 was lifted in 1988;

thousands of political detainees were released by year's end; developments in the Chittagong Hill Tracts showed a positive turn. Significant restrictions on civil liberties remained, however, including on freedom of the press, the right of citizens to change their government, and on a variety of women's rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The longstanding insurgent movement remained active in the Chittagong Hill Tracts (CHT), where some 600,000 tribal people live, as clashes continued between Bengali settlers and small groups of armed tribal insurgents known as the Shanti Bahini (peace force). The insurgent movement, which began in the mid-1970s, has been sustained by the tribal people's fears that their traditional way of life and their special status in the hill areas are being undermined by settlers from the overpopulated plains. Government policy has succeeded in discouraging new settlers from moving into the hill tracts during the last 3 years. In fact, the number of nontribal settlers in the CHT has fallen substantially from 300,000 in 1981 to approximately 160,000 remaining today.

Shanti Bahini attacks on Bengali settlements and military personnel, many of which resulted in death and destruction of property, continued in 1988. Despite efforts by the Government's National Committee on the Tribal Area (NCTA) to reach an accommodation with the Shanti Bahini and to facilitate the return of tribal refugees from camps in India, the Shanti Bahini began raiding Bengali settlers again in April. Reportedly, at least 34 people died in those raids, and 22 more were killed in July. Unlike in the past, government security forces have apparently refrained from retaliating against the tribal population for these raids. Approximately 1,500 tribal refugees are reported to have returned from refugee camps in India during 1988.

In late January, the Government allowed a three-member Amnesty International (AI) mission to visit Bangladesh to discuss AI's concerns over alleged human rights abuses with Government officials. During its 6-day visit, which included 2 days in the Chittagong Hill Tracts, the AI delegation met with high Government officials, security forces commanders, and members of the National Committee on the Tribal Area (NCTA). In its March 1988 report, "Bangladesh: Report of a Mission Concerning Human Rights Violations in the Chittagong Hill Tracts, 24-30 January 1988," AI reported receiving firm assurances from the Government that security forces are under strict instructions to avoid reprisals against the tribal people and to prevent others from such retaliation. There is no evidence that this policy is being violated. Complaints of human rights violations in the Hill Tracts appeared to be far fewer than those received as recently as 1986 and early 1987. AI observed that the instructions, and the importance attached to them by government officials, may have done much to enhance the protection of the basic rights of the tribal people and helped promote some confidence in the Government's commitment to their full security.

BANGLADESH

Several deaths occurred during the political unrest of early 1988. On January 24 in the port city of Chittagong, clashes between police and opposition (Awami League and Eight-Party Alliance) supporters who had gathered for a rally resulted in a number of civilian casualties. No reliable casualty figures exist, but most sources put the toll between 17 and 22 dead. The official tally was 8 deaths, but the opposition estimated that 35 to 70 people died. The Government announced an official inquiry, but the results have not been released.

Fighting between rival candidates and their supporters in several districts also resulted in deaths in a local election held on February 10 when 150 people were killed and 8,000 injured. During the March 3 parliamentary elections the level of violence was considerably lower than that in February. Between 5 and 13 people were reportedly killed and between 100 and 300 injured during election day clashes. Sporadic violence, including occasional deaths, continued on university campuses in 1988, particularly between student wings of various political parties.

b. Disappearance

There were no confirmed reports of disappearance resulting from official actions in 1988. As in the past, however, armed tribal insurgents in the Chittagong Hill Tracts reportedly kidnaped persons in raids on Bengali villages.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and cruel, inhuman, or degrading punishment and treatment. Early in 1988, there were two reported incidents of alleged torture of tribal villagers by security forces in the Chittagong Hill Tracts. A government inquiry produced no evidence to substantiate these allegations. AI and local human rights groups continue to monitor the Hill Tracts area and have strongly encouraged the Government to safeguard the rights of tribal people.

Police treatment of accused criminals is often rough and can include abusive interrogations and beatings. Reports of fatalities from such mistreatment are rare. Mistreatment of ordinary citizens frequently goes unpunished, but punishment of police and jail officials involved in mistreating prisoners may sometimes take place in cases where the victim or his friends and family can attract publicity. In September, a police inspector and four subinspectors were sentenced to 10 years' rigorous imprisonment and fined for beating an accused criminal to death in October 1986.

d. Arbitrary Arrest, Detention, or Exile

Under the SPA of 1974, the Home Affairs Ministry can detain an individual without charge for an initial period of 1 month to prevent him from committing "any prejudicial act." By the end of this period, the Government is obligated to charge a detainee formally. If it fails to file a charge, the detention is considered "illegal" and the detainee is released. However, if the Government brings a charge, the individual can be held until completion of an investigation. In practice, though not in the law, the detainee has 15 days to respond to the specific charge in writing to the Home Affairs Ministry. The Ministry can then grant early release. The detention order is not reviewed by a judge. After 6 months, a review

committee of three jurists examines the case to ascertain if there is sufficient reason to continue the detention. The detained person has the theoretical right to see a lawyer at the time he is detained. In practice, however, a lawyer is generally not allowed to see the detainee until a specific charge has been filed.

Detentions under the SPA of 1974, which was invoked widely in 1987, continued into the first quarter of 1988. AI noted in its February 1988 report, "Large-Scale Detention Without Trial of Opposition Members: July 1987-February 1988," that the frequency of arrests for nonviolent political activity had decreased after late November 1987. In February, however, the number of SPA detentions briefly rose in the wake of violence during local elections. Several hundred persons, including some senior and well-known leaders of the opposition, were jailed under the SPA in February. Most detainees were subsequently released in phases beginning in late February. With the release of 272 prisoners in April, the Home Affairs Ministry claimed that all SPA detainees from late 1987 and early 1988 had either been released or charged with specific offenses, as required by the law. In June the Ministry announced that 1,320 persons detained under the SPA had been charged with such criminal offenses as the use of arms and manufacture of explosives.

The right of a detainee to a judicial determination of the legality of his detention exists in local law. Bangladeshi legal and human rights organizations, however, continued to report cases of suspects who were arrested on minor charges but who remained in jail for long periods without trial. There were no reports of persons being exiled in 1988.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Civil and criminal cases are heard by civilian courts in public trials, and the right of counsel is respected. Civil courts, though overburdened and effectively available only to those who can afford representation, are generally considered fair. However, the time-consuming and expensive process of pursuing cases discourages many from seeking redress through the courts. There are few legal aid programs to assist litigants and no public defenders. As of late 1988, over 500,000 criminal and civil cases were pending adjudication. Despite a time limit of 240 days for disposal of criminal cases at the district level and 120 days at the magistrate's level, longer delays were common.

In June the Constitution was amended to establish permanent benches of the High Court division in six regional cities, thus affording better service to the majority of the population, which resides outside Dhaka. Opponents of the measure, including the Supreme Court Bar Association and many Dhaka lawyers, criticized the amendment, claiming that it was unconstitutional and that decentralization of the High Court would diminish its prestige. A 1-day-a-week boycott of the Supreme Court by critics of this measure, combined with an acute shortage of judges and inadequate training of new judges, hampered the timely dispensation of justice even further. With funding from the Asia Foundation and the U.S. Government, a Bangladeshi nonprofit human rights group has established a training program for new lawyers. The Ministry of Law and Justice, the Supreme Court, and the Asia Foundation

plan a similar program to train new judges. The judiciary is generally considered independent, although pressure is sometimes brought to bear in political or security cases. In 1988 the Supreme Court ruled against the Government in two cases of illegal detention.

Bangladeshi human rights groups do not maintain statistics on the number of political prisoners in the country, and estimates vary widely. Persons detained under the Special Powers Act of 1974 (SPA) often are subsequently charged under criminal statutes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Bangladesh law requires a judicial warrant before authorities enter a home, and courts require evidence supporting a reasonable suspicion before issuing a warrant. However, the SPA does permit authorities to search premises without a warrant under certain circumstances. Authorities have in the past entered the homes of opposition leaders, detained individuals, and searched their premises without warrants. The Government's civilian and military intelligence services are thought by the opposition to monitor it by such means as selective wiretaps and interception of mail.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.

The Bangladesh Constitution provides for freedom of speech and expression and freedom of the press, subject to "reasonable restrictions" in the interest of national security, international relations, and public order, decency, and morality. In practice, the Government has a variety of means to attempt to control the press, including formal and informal censorship, temporary closures of newspapers, and arrest or intimidation of journalists. The SPA allows the Government to ban domestic publications, to hold any newspaper employee responsible for the paper's content, and to compel journalists to reveal news sources. Most publications are financially dependent upon advertisements from the Government or government-owned corporations. These advertisements reportedly account for as much as 75 percent of advertising revenues. All newspapers are eligible to receive public sector advertising if they meet minimum circulation requirements. Publishers complain that placing or withholding advertising is often used as a means of influencing the press.

Under the state of emergency which was in effect from November 27, 1987, until April 12, 1988, press restrictions were instituted which forbade printers, publishers, and editors of all newspapers from criticizing directly or indirectly any government decision or order. These restrictions were relaxed after approximately 2 weeks, and government newspapers began to carry statements by opposition leaders on December 11, 1987. Although the opposition's views and activities continued to receive daily coverage in most newspapers, news management in the form of guidance from the Information Ministry on how to report a story, government control of most advertising revenue, and occasional bans on publications reminded the opposition and the press that criticism of the Government has to remain within parameters set by the Government. In 1988 four Bengali-language weeklies--which tend to be censored more heavily than dailies--were banned for

"objectionable" statements or commentary: Desh Bandhu and Prohar were banned in January, Bichinta in February, and Robbar in June for the second time in 8 months. Other publications banned in 1988 included two issues of Ekota and two editions of the London-based Natun Din. The right-of-center opposition daily Inqilab was banned under the SPA in September but was permitted to resume publication in October. A number of other publications banned in previous years remained closed in 1988. However, two pro-Awami League newspapers Khobar and Banglar Bani, which had been banned in 1987, were allowed to resume publication in April and October, respectively. The British Broadcasting Corporation's Dhaka office, which had been temporarily closed, was permitted to reopen in May.

The Government owns and operates all radio and television facilities. In the print media, it owns three Dhaka newspapers, including one English-language daily, one Bengali-language daily, and one Bengali-language weekly. The Government also owns BSS, the national news service. An independent wire service, ENA, is privately owned. All newspapers must be approved and licensed by the Government to be eligible to purchase newsprint and obtain government advertising.

Dhaka has 70 dailies and 277 weeklies. Three of the Dhaka English-language dailies and most Bengali-language periodicals and newspapers are privately owned and reflect the views of various political parties. All major newspapers report on both government and opposition activities, although coverage of the opposition is somewhat less extensive in the government-owned publications. In 1988 most newspapers covered news of hartals (general strikes) and the activities of opposition political leaders. Articles and editorials critical of the Government do appear, but criticism of the person of President Ershad, his family, or the armed forces is not tolerated. One publication, the weekly Robbar, was banned on June 16 after printing commentary critical of the President.

Several journalists were detained in 1988. The editor of the weekly Bichinta, which was banned in February, was detained because of a front-page cartoon critical of President Ershad. The Dhaka correspondent for a Chittagong weekly was arrested later the same month, but his detention was thought to be for political rather than journalistic activities. Both persons were later released. The publisher of Robbar and three of its journalists were arrested in June after publication of an article critical of the President's personal life. They were later released on bail by a High Court order. A suit challenging the Government's ban on Robbar is pending. Opposition political parties also exert pressure on hostile newspapers and magazines in efforts to intimidate them. Tactics employed include anonymous threatening telephone calls and even arson.

Several foreign newspapers and magazines are available. The Customs Act of 1969 permits the Government to prevent the importation of foreign publications, and the Government has occasionally used this provision to block the sale of publications critical of President Ershad. In 1988 the Act was invoked to block two issues of the London-based Bengali-language weekly Natun Din. Several foreign journalists who sought to cover the March 3 parliamentary election experienced difficulties in obtaining visas.

The Government retains the authority to require drama groups to obtain certificates of approval to perform. No drama group in Dhaka applies for such authorization in practice, but the law is enforced outside the capital. Drama groups are required to submit scripts to the district commissioner, and actors who perform in unauthorized plays are theoretically subject to arrest.

Censorship laws regarding films are generally enforced in Dhaka. Theater owners submit films to the Censor Board, which also screens films shown by foreign cultural institutions. The Board makes no attempt to censor videotapes. The import of foreign films for private screening is permitted; however, laws designed to protect the local film industry limit the import of such films by commercial theaters. No South African or Israeli film may be shown.

Students are generally free to express a wide range of political opinion through campus organizations and publications. Opposition parties sometimes take advantage of the relatively greater freedom enjoyed on campus by using student fronts to organize antigovernment demonstrations. These events occasionally turn violent.

b. Freedom of Peaceful Assembly and Association

The Constitution assures every citizen the right to form associations, subject to "reasonable restrictions" in the interest of morality or public order. In practice, individuals are free to join private organizations and associations, and permits are generally not required for public meetings. Freedom of assembly was legally circumscribed by the state of emergency which existed until April, but prohibitions on processions, rallies, and demonstrations were not strictly enforced even when they were in effect. There are no restrictions on affiliation with international organizations.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

With the passage of the Eighth Amendment to the Bangladesh Constitution in June, Islam was recognized as the state religion in Bangladesh, 87 percent of whose people are Muslims. The amendment states that all other religions may be freely practiced, a policy which has been substantially respected. Government policy continues to permit various religions to establish places of worship and to train clergy. Conversion is possible, although there is strong social resistance to efforts to convert people from Islam. Proselytizing by Bangladeshi citizens, which is permitted under the Constitution, is mostly directed toward such minority groups as Hindus and tribal people. Missionaries, including foreign clergy serving expatriate congregations, are permitted in Bangladesh. Religious travel and links with coreligionists abroad are also permitted.

Despite the official policy assuring freedom of religion and equality of treatment, the establishment of Islam as the state religion contributed to increased concern among the Hindu, Christian, and Buddhist minorities. Though the Government denies any attempt to reduce the number of Christian missionaries, for years some have experienced delays in having

their Bangladesh visas renewed. Other groups occasionally face attempts to reduce their visa allocation. Appeals to the Home Affairs Ministry sometimes have been successful in such cases. There have been isolated incidents of harassment and acts of vandalism against minority religious groups, but there is no evidence that such actions have been instigated or encouraged by the Government. A Hindu temple was ransacked and two churches were burned by a mob in Narayanganj. A Christian group in another district reported difficulty securing a building permit for a new church. In Faridpur in March, vandals smashed a stained glass window in the Baptist church. There were reports in Magura of an attack against the pastor's wife and other Bangladeshi Christians. The Government launched investigations, but no results had been announced by year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bangladeshi citizens are free to move about within the country, except in designated areas of the Chittagong Hill Tracts. There are also border areas from which foreigners are banned. Bangladeshis are generally free to visit and emigrate abroad, subject to foreign exchange controls. In March, however, during the state of emergency, a prominent opposition activist was temporarily barred from leaving the country. Civil servants wishing to travel abroad must obtain "no-objection" certificates from the Ministry responsible for manpower export. During the September flood emergency, all foreign travel was banned for government employees, including for the staff of such autonomous institutions as the universities. Exemptions required approval from the President's Secretariat. In some instances, persons considered to be security risks are barred from traveling abroad. The Government does not hinder citizens who wish to return home from abroad. The right of repatriation is observed.

Approximately 250,000 non-Bengali Muslims, known as the Biharis or "stranded Pakistanis," remain in Bangladesh pending resettlement in Pakistan. After independence in 1971, these persons opted for Pakistani citizenship. Pakistan eventually agreed to accept them, provided financing for resettlement costs was made available from outside sources. A Saudi Arabia-based Islamic social organization has been trying for several years to raise money for resettlement costs, but has not yet been able to raise the full amount required. Camp dwellers may seek employment and conduct other activities, but face disadvantages as noncitizens. Some Biharis have lost property as a result of laws confiscating Pakistani holdings, but those who choose to become Bangladeshi citizens are granted full rights of citizenship. Biharis may apply for Bangladeshi citizenship at any time.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The governing party's dominance of the electoral process and the fraud and violence which have characterized recent elections raise serious doubts about the ability of Bangladeshi citizens to change their government peacefully and democratically. In addition, the political polarization between the Government and the opposition continued to prevent their agreement on the holding of free elections.

BANGLADESH

Bangladesh's current leader, H.M. Ershad, became President in an election in 1986 in which the major opposition groupings, including the Awami League/Eight-Party Alliance, the Bangladesh Nationalist Party, and the Islamic fundamentalist Jamaat-E-Islami, did not participate. Although he continued his efforts in 1988 to broaden his popular support as a constitutional, civilian president, the military remains his main power base.

Amid political unrest and civil disorder in late 1987, President Ershad dissolved the Parliament. As required by the Constitution, new elections were held within 90 days. Nationwide polling took place on March 3 despite a state of emergency, which had been declared on November 27, 1987, as a result of unprecedented opposition efforts to oust President Ershad. The state of emergency itself apparently had little effect on the polling.

In March parliamentary elections, President Ershad's Jatiyo Party won 252 of 300 seats. The remaining 48 seats went to small parties, of which the Combined Opposition Party (COP), with 18 seats, was the largest. The major opposition parties, including the Awami League and the Bangladesh Nationalist Party, boycotted the election and staged a 36-hour general strike in an attempt to disrupt the balloting. Claiming that less than 1 percent of eligible voters had participated, opposition leaders demanded new elections under a neutral, caretaker government. The flawed parliamentary elections in March and violent local elections in February, in which approximately 150 people died in clashes between supporters of rival candidates, were widely perceived as a setback to hopes for genuine democracy.

The newly elected Parliament opened its first session on April 25, shortly after the state of emergency was lifted on April 12. The Parliament sat for 78 days and passed an unprecedented 38 bills, including a controversial constitutional amendment to make Islam the state religion. In late April, President Ershad responded to criticism of the election by appointing a respected justice to function as a one-member Commission on Electoral Reform. The justice, charged with examining the electoral process and proposing alternatives, was dismissed on June 3 after he briefed the press on his critical findings before submitting them to the Government. His findings, originally due on June 30, were never published.

Rumors of a new electoral reform commission and possible new elections continued to be heard in the latter half of 1988, but attention to political issues was deflected by the record-breaking summer floods and their aftermath. Under the Constitution, new parliamentary elections are not required before 1993. Female participation in political life is incipient. Four women are members of Parliament; the two major opposition parties are headed by women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In January 1988, a three-member delegation from Amnesty International (AI) visited Bangladesh to discuss AI's concerns about human rights violations in the Chittagong Hill Tracts. During a 6-day visit, the delegation met with President Ershad and other high government officials, traveled to the Chittagong Hill Tracts, and discussed human rights issues with local

military commanders and the National Committee on the Tribal Area. In its March 1988 report on the mission, AI expressed appreciation for the Government's extensive cooperation but called on it to conduct impartial and thorough investigations into allegations of past abuse.

The International Labor Organization (ILO) Committee on Application of Conventions and Recommendations in 1987 devoted a special paragraph to Bangladesh with regard to Convention 107 (Treatment of Indigenous and Tribal Peoples). In April a delegation from the ILO visited Bangladesh to discuss actions taken by the Government with regard to treatment of tribal peoples in the Chittagong Hill Tracts. The ILO also received cooperation from the Government.

International organizations represented in Bangladesh include the International League for Human Rights, the Law Association for Asia and the Western Pacific, and the International Commission of Jurists. There are also a number of local human rights organizations which monitor developments and investigate allegations of abuse. Bangladesh is a member of the U.N. Commission on Human Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Underlying attitudes and social barriers circumscribing the participation of women in activities beyond the home are strongly entrenched and show few signs of weakening. For the approximately 86 percent of Bangladeshi women who live in rural areas, early marriage, high child-bearing rates, and long hours of household labor leave little opportunity for nonfamily interests or outside employment. Even in urban areas and among the affluent, the traditional social system makes women economically dependent upon their husbands and other male relatives. By custom and Islamic tradition, women occupy a subordinate place in society. The ability of a family to seclude its women is a symbol of middle or high social status. Women are virtually absent from the cash-earning work force, except in the export-oriented garment industry. A woman's income is considered "supplemental" to her husband's, and women are normally employed in different occupations from those in which men are employed. Even for similar work, women are frequently paid lower wages.

The daily press testifies to a pattern of domestic violence against women: murder; rape and other physical abuse; breach of matrimonial contract; denial of inheritance rights; and desertion. The suicide rate among women is reportedly almost three times higher than among men. The Government promulgated a stringent ordinance in 1983 to deter such cruelties as trafficking in women, murder, kidnaping, and abduction. A law passed in 1988 adds trafficking in women to the list of offenses punishable by death. The death penalty is also imposed against those directly responsible for "dowry-killing" or for killing a woman in the course of rape. Dowry killings share a common theme: the bride's family has not made full payment of a supposedly promised dowry, so the husband or his family attacks and sometimes murders the bride. There is little recourse for abused women, especially for crimes within the family or home.

Members of minority religious groups are disadvantaged in practice, though not in the law, in their access to government jobs and political office. In the years immediately following

BANGLADESH

Bangladesh's independence, members of some minorities, principally Hindus, lost or had serious difficulty retaining their properties as a result of the prejudicial administration of vested property laws. These laws permit the Government to use and even sell property belonging to persons who left what is now Bangladesh between 1965 and 1971.

Reports also persist that the property rights of tribal peoples are being violated. Until 1985, tribal land, for which there is frequently no deed, was parceled out by Bangladesh authorities to Bengali Muslim settlers. Over the past decade, successive governments encouraged the settlement of approximately 300,000 ethnic Bengalis in the Chittagong Hill Tracts. There have been no new settlements for the past 3 years, and reports indicate that the number of settlers has dropped to 160,000. Tribal people also face loss of land through false deeds, physical attacks, or failure to meet mortgage payments. The army can take land without compensation in areas where the tribal insurgency is active, but there was no report of such confiscation in 1988. The National Committee on the Tribal Area (NCTA) has also proposed plans to assist the tribal people in their area's development, including housing, hospitals, and schools. The NCTA is also considering a program to reserve a certain number of jobs in the Chittagong Hill Tracts administration for tribal people.

Section 6 Worker Rights

a. The Right of Association

The right of association is found in the Constitution, subject to restrictions imposed by law. Workers in trade associations or unions may draw up their own constitution and rules, elect officers, develop programs, and conduct business without government interference. There are no restrictions on joining confederations or affiliating with international organizations. Union members need governmental clearance to travel to international labor meetings, but such clearances are usually granted.

The right to strike is not recognized in the law but is an accepted form of protest in Bangladesh. Strikes occurred in 1988. The Essential Services Ordinance of 1958 permits the Government to bar strikes for 3 months in any sector deemed "essential." Labor unions represent only 3 percent of the work force, a reflection of the low level of industrialization. Nevertheless, unions are powerful and important in such sectors as jute, tea, and transportation. Most labor unions and federations are associated with a political party. Union activities are more often in response to the demands of political patrons than in response to the needs of the members. Unions are often involved in politics but generally have little real influence. The Workers-Employees United Council (SKOP), the largest trade union federation, is sympathetic to the opposition. Bangladesh is a member of the ILO.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to form labor unions, but the Government has the legal right to suspend them. No unions were suspended in 1988. By law, workers have a limited right to collective bargaining. Public sector employees cannot form unions or bargain collectively. Except in the Chittagong Export Processing Zone, where union activity has

been suspended since 1985, unions in the private sector can generally bargain collectively without government interference. There is no formal process of mediation.

In theory, workers have participatory rights in union business, but these rights are often violated in practice by both union leaders and employers. Laws against antiunion discrimination are also frequently violated, and the difficulties of prosecuting a court case against an employer discourage unions' attempts to have them enforced. Workers are frequently fired from their jobs for union activities, and union leaders are sometimes harassed. Antiunion discrimination is especially prevalent in the garment industry, where the majority of the work force is female.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in Bangladesh. Such labor is barred by the Constitution.

d. Minimum Age for Employment of Children

The Employment of Children Act prohibits the offering of employment to any person under 14 years of age, but the Act is not enforced. Sanctioned by tradition and encouraged by dire economic necessity, child labor is a serious problem. Minimum ages for various types of employment are set by law, but these minimums are seldom enforced. The poverty of the country is such that children are regularly engaged in all available jobs. The Bureau of Labor Statistics estimated the number of child laborers at approximately 3 million in 1986. These children pedaled rickshaws, served as domestic servants, worked as helpers in transport services, carried loads at railway stations and river terminals, labored at construction sites, and were employed in great numbers in agriculture.

e. Acceptable Conditions of Work

Regulations regarding minimum wages, hours of work, and occupational safety and health are not strictly enforced. Income levels average $1 to $2 per day and, in 1985, the minimum wage was $.07 per hour. These levels are insufficient to afford a family a decent standard of living. The Factories Act of 1965 and the Shops and Establishments Act of 1965 limit normal working hours to a maximum of 8 hours per day and 48 hours per week. With overtime, the workweek may not exceed 60 hours. Although the law stipulates that overtime work is to be compensated by double the hourly rate, overtime pay practices do not conform to legal requirements. Safety equipment and precautions are largely unknown. Bangladesh has a small number of safety inspectors, but they are frequently untrained and underpaid.

BHUTAN*

The Wangchuck dynasty of hereditary monarchs has ruled Bhutan since 1907. Isolated in the Himalayas between India and Tibet, the small Kingdom (about the combined size of Vermont and New Hampshire, with a current population of about 1.3 million) has been able to escape domination by any external power since the 10th century. It was not until the rule of King Jigme Dorji Wangchuck (1952-72) that a Bhutanese ruler took steps to move the Kingdom from centuries of medieval seclusion toward a more representative political system and a better integrated, more productive economy. Although he retained strong executive powers, the King created several important institutions, including the National Assembly (1953), the Royal Advisory Council (1965), and the Council of Ministers (1968), to provide broader participation in the government. Serfdom was abolished, land reform introduced, laws codified and the judiciary separated from the executive. There is no written constitution or bill of rights. The present monarch, Jigme Singye Wangchuck, has continued Bhutan's social and political evolution, although progress has been seriously handicapped by the Kingdom's limited administrative capacity and resources.

Internal security is maintained by the Royal Bhutan Police. It is assisted in this function by the Royal Bhutan Army, which consists of 8,000 lightly armed men.

Bhutan remains, at least in terms of national income statistics, the poorest country in South Asia and one of the most traditional and least developed countries in the world. The vast majority of the population is illiterate and rural, living on subsistence agriculture and pastoral pursuits in a largely barter economy. Bhutan continues to restrict access by the outside world in the hope of minimizing the spread of foreign influences. The number of tourists is strictly limited to 3,000 a year. In 1988 the Bhutanese also closed Buddhist monasteries to tourism to maintain the "religious purity" of those shrines.

Knowledgeable Bhutanese report no major violations of human rights in the Kingdom in 1988. Although the Bhutanese Government is still essentially autocratic, most observers agree that the Kingdom suffers few of the problems of disaffection and repression that afflict many third world countries undergoing more rapid change.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings.

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*Bhutan and the United States have not exchanged diplomatic representatives, and U.S. officials travel there infrequently. Since few scholars have published studies on the contemporary Bhutanese polity or society, information on Bhutanese practices which bear on human rights is neither readily available nor complete.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There was no evidence of cruel, inhuman, or degrading treatment or punishment. Serious crimes are still rare, although reportedly there has been a trend toward more criminal activity in recent years with the growth of a foreign labor force in the country, widening economic disparities, and greater contact with foreign cultural values. Mutilation was outlawed in 1965.

d. Arbitrary Arrest, Detention, or Exile

There is no special or preventive detention, and arrests can be made only under legal authority. As far as is known, exile is not employed as a form of punishment.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Criminal cases and a variety of civil matters are adjudicated under an 18th century legal code which was revised in 1957 and which applies to all Bhutanese. Familial questions are resolved according to the traditional religious norms of the two major religious groups in the country: Buddhist law governs the majority of Bhutanese, and Hindu law is applied in areas where persons of Nepali origin predominate.

The Kingdom's legal system does not provide for juries, the right to be represented by legal counsel, or due process in the Western sense. However, trials are public and are usually carried out expeditiously. There are generally no prosecuting or defense attorneys because the number of lawyers in the country is insufficient to serve in these capacities. Judges, appointed by and accountable to the King, are responsible for all aspects of a case, including investigation, filing of charges, prosecution, and judgment of the defendant. A separate judiciary was established in 1968 which provides for local, district, and national courts with original and appellate jurisdiction. Final appeals may be made to the King.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are no written guarantees of privacy, but tradition has bolstered the concept. In practice, the Government does not intervene arbitrarily or unreasonably in the lives of the people.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

With an adult literacy rate of around 12 percent, Bhutan's adult population is relatively unaffected by the print media. The Government's weekly newspaper is the country's only regular publication. Indian and other foreign newspapers and publications are distributed without apparent government control. Bhutan has no television, and the one radio station broadcasts for only 3 hours daily. Criticism of the King is

permitted in the National Assembly, but not in the public media.

b. Freedom of Peaceful Assembly and Association

While no written guarantees of these freedoms exist, Bhutanese generally enjoy the freedom of peaceful assembly and association. There are no private voluntary social, communal or economic associations and no professional or trade organizations. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Buddhism is the state religion of Bhutan. The Government subsidizes monasteries and shrines and provides aid to about half of the Kingdom's 12,000 monks. The monastic establishment enjoys statutory representation in the National Assembly and the Royal Advisory Council and is an influential voice on public policy. Citizens of other faiths, who are mainly Hindus of Nepali origin, enjoy freedom of worship. In an effort to encourage national cultural integration, the King has declared major Hindu festivals to be national holidays, and the royal family participates in them. Foreign missionaries are not permitted to proselytize in the Kingdom.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within Bhutan for all Bhutanese citizens and no bar on emigration or foreign travel. For many years, Bhutanese traveled little inside or outside the Kingdom, but the recent rapid construction of roads and the establishment of air links with Calcutta and Dhaka have encouraged travel. A policy introduced in the 1950's, which prohibited the exiled leaders of an outlawed Nepali-Bhutanese political party from returning to the country, has been liberalized to allow them to return.

Bhutan traditionally has welcomed refugees and exiles from other countries in the region. Some 6,000 Tibetans sought refuge in Bhutan in 1959, joining approximately 4,000 Tibetans already in the country. Because it perceived threats to its national security from the Tibetan refugees' suspected lack of allegiance to Bhutan, the Government required in 1979-80 that they either accept Bhutanese citizenship or face expulsion. Although most Tibetans in Bhutan have accepted Bhutanese citizenship, they have been assured by the Government that they will be free to return to their homeland. The Government decided not to carry out its threat to deport those who did not apply for Bhutanese citizenship.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The citizens of Bhutan to not have the right to change their government. Bhutan is a traditional monarchy, with sovereign power vested in the King. It is a highly elitist polity, with decisionmaking centered in the palace and involving only a small number of officials in the civil and religious establishments. Although the present King and his father have endeavored to integrate women and southerners (Nepali ethnics) into the body politic, the system is still dominated by the male members of an aristocracy of Tibetan, Buddhist stock.

BHUTAN

Political parties do not exist, and their formation is discouraged. Local administration is carried out by centrally appointed government officials. Villages, however, have the traditional right to elect by consensus their own headmen, who form the lowest rung of the administrative hierarchy. When the King is touring outlying districts of the Kingdom (which he does frequently), any citizen can flag down his car and present an aide with a written petition, which is assured an official response.

The 150-member National Assembly is composed of 105 members elected by limited franchise (heads of family in Hindu areas, village headmen in Buddhist regions), 12 elected by the monastic establishment, and 33 high-level officials of the government administration appointed by the King. Its principal functions are to enact laws, approve senior appointments in the Government, and advise the King on matters of national importance. It also provides a forum for presenting grievances and rectifying cases of maladministration. Voting is by secret ballot, with a simple majority needed to pass a measure.

Government officials may be questioned by the body, and ministers can be forced to resign by a two-thirds vote of no-confidence. The King cannot formally veto legislation passed by the Assembly, but he can refer bills back to it for further consideration. The Assembly occasionally has rejected the King's recommendations or delayed their implementation, but the King has always had enough influence to persuade the Assembly to approve any legislation he considers essential or to withdraw any proposed legislation he opposes.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international agency or group is known to have sought entry into Bhutan to investigate human rights conditions. No nongovernmental human rights groups are known to exist in Bhutan, nor do human rights appear to be a subject of domestic political debate.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The status of women is higher in Bhutan than in many of the surrounding countries. In contrast with some of its neighbors, Bhutan has not developed either a rigid caste system or customs which sequester or disenfranchise women. Boys tend to outnumber girls by about two to one in primary school, but family land is divided equally between sons and daughters.

The sexes mix relatively freely, marriages can be arranged by partners themselves as well as by their parents, and divorce is common. A man is allowed by law to have three wives, but polyandry is not sanctioned. Legislation has been enacted in recent years making marriage registration compulsory and favoring women in matters of alimony. In 1985 some 10 percent of the persons employed by the various government ministries and departments were women.

The potentially most divisive issue in Bhutan is how to accommodate the large (estimated at 20-30 percent) segment of the population of Nepali Hindu origin. The country's Buddhist

majority has long been concerned about being outnumbered by immigrants from Nepal, as occurred in neighboring Sikkim. In the past, the Government responded to this concern by tightly limiting immigration and restricting residence and employment of the Nepali population to the southern part of the country. More recently, the Government has liberalized its policy toward the Nepali minority. The Government now encourages intermarriage, educates some students in regions other than their own, and gives higher priority to economic development of the south. By law, southerners may own land and establish business in the north and vice versa, but reportedly it is sometimes still difficult for non-Buddhist Bhutanese (except government officials) to buy property in Buddhist areas.

More and more young Bhutanese of Nepali origin are entering public economic and administrative bodies, and laws concerning land tenure and taxation in the south are being liberalized. Although the language of instruction is English, there is a requirement that Dzongkha, the language of the western highlands, be taught in all schools, and this requirement is said to disadvantage students from other areas. In general, however, the Government appears to be sensitive to the problems of national integration and is attempting to eliminate the factors which, in the past, led some Nepali Bhutanese to describe themselves as second-class citizens.

Families with ties to the palace and senior levels of the Government are strongly favored in their access to state scholarships for foreign education. Nevertheless, the King is making a serious effort to draw qualified persons from a broader range of social and ethnic backgrounds into the prestigious civil bureaucracy.

Section 6 Worker Rights

a. The Right of Association

Bhutan has no labor unions.

b. The Right to Organize and Bargain Collectively

There is no collective bargaining, and no legislation addressing labor-related issues governing the small industrial work force, which makes up less that 1 percent of the population. Labor legislation and practice is uniform throughout Bhutan.

c. Prohibition of Forced or Compulsory Labor

As far as is known, there is no forced or compulsory labor.

d. Minimum Age for Employment of Children

There are no laws governing the employment of children. However, children are not employed in industrial labor.

e. Acceptable Conditions of Work

The shortage of labor in Bhutan is such that the larger industrial firms, all of which were established relatively recently, are organized along modern lines and incorporate a considerable amount of labor-saving technology. No industrial plant employs more than 60-70 workers, and most of these are guest workers from Nepal. Apart from a few larger plants, the entire industrial sector consists of home-based handicrafts

and some 60 privately owned small or medium-scale factories producing consumer goods.

EGYPT

Egypt is a republic in which the President and his party, the National Democratic Party (NDP), are the dominant political forces. The NDP, established by Anwar Sadat in 1978, commands large majorities in the two parliamentary bodies, the People's Assembly and the Shura (Consultative) Council. Three of the five legal opposition parties are represented in the Parliament. The Cabinet is headed by a Prime Minister appointed by and responsible to the President. Mohammed Hosni Mubarak was elected President by the People's Assembly in 1981, following Anwar Sadat's assassination, and was reelected to a second 6-year term in 1987. His reelection was affirmed by a popular referendum.

Internal security is the responsibility of several different organizations. Of the three intelligence services, the General Directorate for State Security Investigations (GDSSI), which reports to the Interior Ministry, is the main agency responsible for domestic security, although there are several other police services, including the Central Security Forces which protects public buildings, facilities, and foreign missions. Investigations pertaining to national security may be undertaken by any of the three intelligence agencies, depending on the nature of the case. GDSSI conducts most undercover investigations of domestic opponents of the regime, and also carries out interrogations of suspects arrested under Egypt's state of emergency legislation.

Egypt's economy has diversified over the past two decades, as industries such as petroleum and services such as tourism have grown in importance. An inefficient public sector dominates the economy, and the Government maintains an extensive network of subsidies and regulations as part of a social compact perceived by major segments of the population as essential to their economic security. Severe economic problems--sluggish growth, rising inflation, and shortages of foreign exchange--have led the Government to design a reform plan aimed at reducing the Government's large budget deficit and increasing the role of market forces. Implementation of this plan has been restrained, however, by deep-seated social and political resistance. The Government is cautiously trying to pursue its reform program while seeking to shield the minimal living standards of the poorer segments of the population.

Egypt's human rights performance during 1988 reflected the Government's security concerns resulting from economic tensions as well as the continued existence of underground political groups committed to overthrowing the political system. The principal problems were continuing credible reports of torture of detainees, with a lack of visible effective efforts to investigate, try, and punish perpetrators of such abuses, and an emergency law that permits prolonged detentions without due process. The Government retained some restrictions on political activities and continued its use of emergency law authority--extended in March for the longest period yet, 3 years--to detain persons suspected of involvement in subversive activities. The number of political detainees decreased significantly from the 1987 level. The Government released most of the estimated 2,000 to 3,000 Islamic activists rounded up following a series of attempted assassinations in mid-1987. New arrests, including those in December of Islamic extremists in Ains Shams district, brought the total number of political detainees at the end of the year to around 900. The Government closed down one opposition newspaper. However, it

demonstrated its commitment to protecting minority rights by, among other things, allowing a Coptic weekly to resume publication, providing police protection for churches and synagogues, and preventing Islamic extremist attacks on Christians and Christian-owned property. Additionally, while opposition political groups continued to complain of electoral fraud and Interior Ministry control over the counting of votes, a number of observers regarded the 1987 elections as the least flawed of any elections since the 1952 revolution, and it is generally agreed that political liberties have been extended during Mubarak's administration to the widest degree since the revolution.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of government-instigated killings for political reasons or of political killings by underground groups. Thirty-three persons went on trial for their involvement with the "Survivors of Hell" Islamic radical organization which attempted in 1987 to assassinate two former Interior Ministers and a prominent establishment journalist. Another 20 persons were indicted for their role in the "Egypt's Revolution" organization, accused of killing two Israeli diplomats and attempting to kill a number of other Israeli and U.S. embassy personnel in a series of attacks in 1984-87.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and other forms of mistreatment are forbidden by the Constitution and the law, but there are credible reports that they continue to be practiced by police and security officials, and punishment of such actions is very rare. Egyptian courts will not accept confessions or testimony considered to have been obtained under torture, and have ordered the release of defendants--including in 1988--in a number of different state security trials as the result of reports by forensic medical examiners stating that the defendants had been subjected to torture. Detainees and prisoners who claim to have been tortured can and do appeal for redress to the courts and public prosecutor. In a few instances, the courts have awarded compensation to torture victims. The law also provides for jail sentences ranging from 3 to 10 years for officials convicted of torture, and first degree murder charges may be brought against those who commit torture resulting in the victim's death. However, there were no instances in 1988 of security officials being tried and punished for such actions.

In 1984 the public prosecutor initiated an investigation of torture incidents disclosed by the Supreme State Security Court in the Al-Jihad case which ended in 1983. Although the defendants were accused of assassinating President Sadat and planning an armed uprising, the court cited torture as a factor in its decision to acquit 190 of the 300 defendants and reduce prison terms for others.

EGYPT

In September 1986, the public prosecutor announced that torture charges against 40 GDSSI officers and 4 prison personnel would be referred to the Criminal Court. The prosecutor declared that, on the basis of 422 reports of torture of the Al-Jihad defendants, 28 torture charges would be brought against the accused security officials. After a series of legal wrangles in which the attorneys for the Al-Jihad plaintiffs challenged the impartiality of some of the judges hearing the case, the court finally issued its judgment in June. The Court found all of the security officials innocent of all charges of torture, and pressed charges against three opposition newspapers for attempting to influence the outcome of the case. The judgment stated that there was no doubt that torture had been used during the interrogation of the Al-Jihad organization members, but concluded that there was insufficient evidence to determine that the security officials on trial were the ones who had committed the torture.

The Court's verdict raised concerns about the Government's willingness to pursue torture investigations vigorously. Indeed, Interior Minister Zaki Badr referred to the court's decision as full exoneration of the security services from all charges of committing torture. Partly as a result of this case, Amnesty International (AI) held a press conference on July 20 in which it "called on the Egyptian Government to take urgent and effective measures to protect detainees from torture and ill-treatment in prisons and detention centers." AI stated that evidence it had collected since 1981 indicated "a continuing pattern of torture of political detainees by Egyptian Security and other officials." AI's evidence reportedly included firsthand interviews with torture victims and medical reports by Egyptian forensic examiners. Most of the alleged victims were members of extremist Islamic groups, the so-called "Gamaat Islamiyya." AI cited Lazoghli and Doqqi State Security Intelligence complexes and Tora Prison as "torture centers." AI declared that it had gone public with its concerns about the practice of torture in Egypt following several years of efforts to engage the Government in a discussion of specific measures to ensure that torture does not occur. In January government officials, including the Interior and Justice Ministers and the Public Prosecutor, held discussions with the visiting Secretary General of AI, but the Government apparently has not responded to requests made at that time to take measures to prevent torture.

Egyptian human rights activists concur with the allegations cited by AI, and note that most torture allegations involve members of the Islamic Gamaat, while other political detainees usually are not subjected to similar treatment.

Various groups, including opposition members of the People's Assembly, the Arab Human Rights Organization, and the International Committee of the Red Cross, have sought and been denied access to prison facilities to inspect conditions and meet with prisoners. The Arab Human Rights Organization, in its 1988 annual report, stated that it has presented requests to the Government to improve prison conditions, including placing all prisons and prison officials under the supervision of the Justice Ministry, abolishing "special prisons" (i.e. detention facilities) established by order of the President, and removing all GDSSI officers from the prisons except for those officers ordered by the Public Prosecutor to be assigned there.

EGYPT

d. Arbitrary Arrest, Detention, or Exile

Two systems of criminal procedure are in effect: ordinary criminal procedures and the emergency law. Under ordinary procedures, arrests follow investigations, and arrested persons are charged with violations of specific laws. With the exception of certain applications of the emergency legislation, preventive detention is not practiced. Arrested persons have the right to a judicial determination of the legality of detention, and there is a system of bail. The ordinary law states that a detained suspect must be brought before a magistrate and formally charged within 48 hours of arrest or be released. By and large, there is careful observance of constitutional and legal safeguards in the arrest and pretrial custody stages. Arrests occur openly and with warrants, and the accused are brought before an independent judiciary.

The major exceptions to the normal procedures arise when the emergency law, which gives the Government extraordinary powers, is applied. The Constitution and the emergency law empower the President, when national security or public order are thought to be in peril, to invoke emergency powers authorizing the arrest and detention of persons suspected of being dangerous to national security, irrespective of provisions of the penal code. Detainees must be charged for specific violations of the penal code if brought to trial, but may be held under the emergency law for interrogation without charge. Egyptian law specifies a wide range of offenses deemed harmful to national security which may be tried before a parallel system of State Security Courts under the emergency legislation. Despite a provision of the Constitution which states that a state of emergency may only be imposed in case of war, foreign invasion, civil strife, or natural disaster, a state of emergency has been imposed almost without interruption for the last 40 years, and continuously since the assassination of President Sadat in 1981. In March the ruling party majority in the People's Assembly approved a 3-year extension of the stateof emergency over the strenuous objections of the opposition parties. In the past, the state of emergency had been extended for 2-year periods.

Under the emergency law, a person may be held without charge or due process while an investigation is conducted. Within 30 days the detainee may petition the State Security Court to review his detention. The court has 15 days to review the case, following which it may order the detainee's release. The Interior Minister then has 15 days to offer objection to the court's decision, following which another State Security Court has a further 15 days to review the minister's objection. If the second court upholds the decision to release the detainee, the decision must be implemented. The Interior Minister, however, may simply order the detainee arrested again, in effect allowing the Government the right of indefinite detention of suspects in state security cases.

The number of persons arrested under the emergency law in 1988 was considerably less than in 1987, when several thousand members of the Islamic Gamaat and their sympathizers were arrested following a series of assassination attempts against public figures. During the People's Assembly debate over the extension of the emergency law, the Government argued that the law is applied only against "terrorists, drug pushers, and illegal currency traders." In fact, the emergency law was also applied to block the sale of property by some of the

so-called Islamic investment companies, as well as to detain striking textile workers, pro-Palestinian student demonstrators, Islamic student activists, and relatives of suspects sought for questioning. The Egyptian Minister of Interior in November acknowledged 578 political arrests, plus an additional approximately 1,250 arrests for corruption, drugs, and common crimes under the emergency law. Incidents since that estimate was released have probably increased the number of political detainees by 200 to 300. In most cases, detainees are released after interrogation and never brought to trial.

Exile is forbidden by law. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The provisions in Egyptian law for public trial do not apply in state security cases. Persons accused of certain security-related offenses, which may trigger emergency law provisions at the Interior Ministry's discretion, are usually tried in public sessions in the State Security Courts. These courts have less independence than other courts because their decisions may be challenged by the executive. However, the State Security Courts have procedural safeguards (including the right of the defendant to be represented by an attorney, the attorney's access to the prosecutor's investigation, and a prohibition against secret testimony), and their judges are drawn from the ranks of the Senior Judiciary. The judgments of the State Security Courts may be appealed to the Court of Cassations (Supreme Court).

Under the emergency law, only the President may amend, commute, or cancel a sentence, or order a retrial. The law also grants the President the authority to approve or reject all rulings of the State Security Court system. In some cases, the President may order defendants in state security cases to be tried before military courts, although the applicability of this provision to civilian defendants is being challenged on constitutional grounds. The Egyptian Code of Criminal Procedures states that court hearings should be conducted publicly, but permits the court to order part or all of the hearing to be conducted in secret session or to restrict access to the court "in order to preserve public order or morals." The courts trying such state security trials as the "Survivors of Hell" or "Egypt's Revolution" cases have not ordered the hearings to be held in secret session, but have restricted access to the courtroom to those who have obtained special permits from the court.

No reliable statistics exist on the number of political prisoners. Opponents of the regime are not arrested for criticizing government leaders or policies. The Interior Ministry has drawn a distinction between indoor opposition meetings, rallies, and discussions, which are tolerated, and public demonstrations, which are not. While many people may be detained for questioning under the emergency law, for the most part those tried and convicted for their political activities are members of groups advocating the violent overthrow of the regime.

The High Judicial Council is empowered to override decisions by the Ministry of Justice regarding judicial appointments, promotions, and other personnel matters. The Council of State, a court system having jurisdiction over disputes

between private citizens and government agencies, is independent of the Justice Ministry and is effectively safeguarded against arbitrary dismissal of its members.

In 1988 the courts continued to demonstrate their independence, taking decisions clearly at odds with the desires of the executive. In January the Supreme State Security Court in Giza ordered the release of four members of the Islamic Gamaat accused of setting fire to local video clubs after the court determined that their confessions had been extracted under torture. In July a State Security Court dismissed the charges against 14 defendants, members of the so-called Armed Nasserist Organization, accused of placing a bomb that exploded outside an Egyptian-American Bank in 1986 and of plotting to assassinate the Israeli Ambassador, and found one defendant guilty only on charges of illegally storing weapons. The Court ruled that the prosecution's evidence in the case was insufficient to convict the 14 defendants. A State Security Court also ordered the release on bail of three defendants in the "Egypt's Revolution" organization case, pending trial. (The trial began November 1 but was postponed again to January 1989.) In May the Supreme Constitutional Court declared unconstitutional a law from the Sadat era requiring new political parties to accept Egypt's peace treaty with Israel.

Two judicial institutions sometimes criticized by the opposition as superfluous and potentially dangerous to the judicial system are the Court of Ethics and its investigating agency, the Office of the Socialist Prosecutor. Created in 1980, while Sadat was seeking to counter public criticism of widespread corruption in the Government, the court is charged with trying offenses against "Socialist values," i.e., corruption and illegal business activities. The other tasks of the Office of the Socialist Prosecutor include approving candidates for elective positions in the trade union movement, professional syndicates, and local government councils, as well as performing security checks on appointees to senior government positions. The Socialist Prosecutor may impose travel bans on officials under investigation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for freedom from arbitrary interference in private life by the State or by political organizations. Except when the emergency law is applied, police must obtain a warrant from the public prosecutor before undertaking arrests, searches, or seizures. On occasion the courts have dismissed cases when they determined warrants were issued without sufficient cause. Police officials who conduct searches without proper warrants are subject to criminal penalties. The emergency law empowers the President, or the Interior Minister acting as his deputy, to authorize searches of persons or premises without following normal procedures. The internal security services have the capability to monitor telephone and other private conversations of the political opposition and a broad range of citizens suspected of illegal or subversive activity. There are persistent and credible reports of routine screening of, and in some cases interference with, correspondence and especially international mail. As with search warrants, telephone taps and mail screening normally require the prior authorization of the Public Prosecutor, but normal procedures do not prevail when the emergency law is invoked. The GDSSI and the other domestic intelligence agencies engage in surveillance of

opposition politicians, political or social activists, foreign diplomats, and suspected subversives on a routine basis. Employees of most government facilities, public sector factories, and foreign embassies presume that their activities are monitored by government informants.

Section 2 Respect For Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press. Egyptians openly express their views on a variety of political and social issues, sometimes airing strong criticism of the Government. A lively debate of national issues and criticism of government officials is evident in the media and in the theater. Much commentary reflecting differences of opinion appears regularly in the major government-owned dailies and magazines. Television, however, is more strictly controlled.

The opposition papers are free to publish stories supporting the political inclinations of their sponsoring organizations, and their criticism of government policies is vigorous. Journalists and other persons slandered or maligned in the press may sue in court or, in the case of journalists, raise the matter with the press syndicate. By virtue of their positions, the President and members of the People's Assembly and the Shura Council may not sue for libel. There have been repeated moves to strip opposition members of Parliament of their parliamentary immunity so that they could be sued for articles appearing in their parties' newspapers.

The Government occasionally exercises influence on the government-owned dailies and magazines, the editors-in-chief of which are appointed and can be dismissed by the NDP-dominated Shura Council. The Council supervises the press to some extent through the Higher Press Council, a 45-member body chaired by the Speaker of the Shura Council and composed of senior press figures. One of the Higher Press Council's functions is to approve applications for new publications; some applications to publish independently owned journals have been rejected. The Council's approval, however, is only required for publications appearing regularly.

There is no overt censorship, with the exception of bans occasionally imposed by the State Security Prosecutor on stories which might affect the course of investigations in State Security Court cases. Nevertheless, journalists and editors working for government-supported newspapers are sometimes given guidance by officials about the treatment of specific issues. This guidance is given informally to senior editors and board chairmen by senior officials, such as the Information Minister. This does not happen routinely; usually the editors know the policy and are aware of the limits which they are expected to observe. The Government does not give such guidance to the opposition press. Opposition press coverage of the arrests of Islamic extremists, strikes, and public demonstrations were not censored.

In August the Government closed the Nasserist opposition newspaper Sawt Al-Arab following a controversial attack by the paper's editor on the Saudi ruling family. This was the first instance of government action to silence an opposition newspaper in recent years. The paper was the only opposition paper not published by an established political party, as

required by law. Thus, the Government did not need to use the emergency law, but simply revoked the permit issued by the Social Affairs Ministry to the paper's publishers, the "Friends of Arab Media Club." Many journalists regarded Sawt Al-Arab as a propaganda tool of Libya, widely presumed to be the source of the paper's financial support. Some journalists were concerned by the precedent posed by the Government's decision to silence an opposition newspaper. Supporters of the newspaper are appealing the Government's decision in the courts.

The universities enjoy a considerable degree of academic freedom. Cairo University held the first annual conference of Egyptian political scientists in December 1987, and the papers presented included a number sharply critical of the Government. The faculty clubs at several universities, especially the universities of Alexandria and Assiut, held political discussions which led to friction with the Interior Minister, who publicly threatened to dissolve the clubs. No such action was taken, however. Faculty members are more likely to feel social pressure to conform than to experience any direct interference in their work.

A wide variety of foreign reading matter in Arabic and other languages is available at newsstands and major hotels, although there are occasional reports of the seizure or censorship of foreign publications.

b. Freedom of Peaceful Assembly and Association

Under the emergency law, the Government can place limitations on the constitutionally guaranteed right of assembly. Permission is required from the Interior Ministry to hold public meetings, mass political rallies, and protest marches. In response to student demonstrations early in the year in support of the Palestinian uprising, during which students also began criticizing government economic policies, the Interior Minister developed a policy of permitting protest rallies inside campuses and by professional associations, particularly the activist Bar Association. Street demonstrations, however, were banned as a likely source of violent disturbances. Islamic organizations are permitted to organize public religious ceremonies, often attended by tens of thousands of people, on major holidays, but persons regarded as Islamic radicals may be denied permission to organize public assemblies.

For a discussion of freedom of association as it applies to labor unions, see Section 6.c.

c. Freedom of Religion

According to the Constitution, Egypt is an Islamic State which provides for freedom of religious expression and equality before the law. Egypt has a tradition of religious tolerance, and, with some notable exceptions, the authorities generally uphold the rights of religious minorities. In accordance with Islamic law, only Islam, Christianity, and Judaism are fully recognized as religions with laws, traditions, and rites which must be respected. The overwhelming majority of Egyptians practice Sunni Islam or Coptic Christianity.

Various Protestant denominations operate, some with significant Egyptian membership, others with a small, largely expatriate following. Members of recognized religions may

maintain links with coreligionists abroad. Christian missionaries who engage in proselytizing Muslim Egyptians may be prosecuted under article 98F of the penal code or under the broad terms of the law of national unity, even though missionary work is not specifically banned. This represents a departure from the traditional Islamic practice in which proselytizing Muslims would be considered a capital offense. Conversion from Islam, while not officially restricted or penalized, is discouraged by the Government, and even more so by social pressure. Marriages are held according to the religious traditions of the parties concerned and are then registered with civil authorities. Under Muslim law, a non-Muslim man wishing to marry a Muslim woman must first convert to Islam, although a Muslim man may marry a non-Muslim woman without either party changing religion.

Coptic Orthodox Christians, the most significant religious minority, may constitute 10 percent of the population, although their numbers are a subject of controversy. The Government's official census for 1986 listed the total number of Christians at slightly over 2 million, but Coptic Church officals claim 7 million or more. Coptic-Muslim relations were generally good in 1988, and there were fewer incidents of sectarian violence than in 1987. Coptic Pope Shenouda has praised President Mubarak's efforts to promote national unity, and joint public appearances of the Pope and the Sheikh of Al-Azhar, Egypt's preeminent Islamic religious scholar, continue to take place to symbolize religious brotherhood.

The case of 50 members of Egypt's tiny Baha'i community, pending since their arrest in 1985 on charges of violating a ban from the Nasser era on Baha'i religious gatherings, was resolved in 1988 when two courts of appeals exonerated the defendants of all charges. In 1987 a Cairo District Court had found 48 of the Baha'i defendants guilty under the law, saying Baha'ism was a "distortion" of religion. However, the appeals courts ruled that it is not for the courts to determine the validity of a religion, and that the Baha'i gatherings had been social in nature. None of the courts addressed the defense argument that Egypt, as a signatory to the International Covenant on Civil and Political Rights, was obliged to guarantee the free practice of religion to all its citizens.

Other small religious groups continue to face difficulties. One group of free-thinking Muslims, including a former professor at Al-Azhar University, were arrested for promoting "heretical views" and challenging the validity of Sunni Muslim traditions. Another group of Shi'ite Muslims were arrested and interrogated for belonging to an underground organization. No charges were made against them, however.

While most Egyptian Jews emigrated in the 50's and 60's, those who remain (fewer than 200) appear to practice their faith without restriction or harassment. However, the mass media frequently presents harshly stereotyped and even anti-Semitic caricatures of Jews. One popular television program this year represented the entire Egyptian Jewish community in the 1950's as saboteurs and agents of Israel.

All recognized faiths can, in principle, establish places of worship, run schools, and train enough clergy to serve believers. Synagogues and churches are routinely provided police protection. Under a law dating back to the Ottoman era, however, non-Muslims must obtain a series of permits

culminating in a presidential decree to build or repair places of worship. Obtaining authorization can take years, and is often denied. Similarly, the Jewish community has had minor disagreements with the authorities concerning the preservation of manuscripts and compensation for cemetery land needed for public purposes.

Egyptian law prohibits the use of places of worship to criticize the State. The courts have not yet ruled on a challenge to the constitutionality of this restriction. Although the Government maintains that sermons by Islamic and Coptic religious figures are not censored, Muslim prayer leaders are occasionally detained and questioned for delivering allegedly inflammatory sermons in their mosques. The Ministry of Religious Endowments also has substituted its prayer leaders for troublesome preachers at some mosques, and has taken over the administration of some privately run mosques considered to be centers of extremist antigovernment activity.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Egyptians are free to move within Egypt, except in well-defined military districts; there are additional restricted areas to which foreigners may not travel. Exceptions to freedom of foreign travel and emigration apply to males who have not completed compulsory military service, unmarried women under 21 or married women, who must obtain their father's or husband's permission to obtain a passport, and persons under investigation for criminal offenses or whose travel is banned by emergency law provisions. Citizens who leave the country have the right to return. Some who left for political reasons have returned since President Mubarak assumed office. There are no known cases of citizenship being revoked for political reasons. Under the state of emergency, the Prime Minister has authority, which he may delegate to the Interior Minister, to restrict foreign or domestic travel. The former Minister of Labor and head of the Trade Union Movement, who is under investigation for corruption, was barred from leaving the country briefly, but this restriction was later removed. The total number of persons denied the right to travel abroad is relatively small, and travel bans are generally applied according to normal legal procedures.

Egypt's policy on granting political asylum has been liberal, and the extradition of those granted asylum is prohibited by law. Several thousand non-Egyptian Arabs residing in Egypt, including many Libyan dissidents, have been granted asylum. Egypt also allows the children of some African refugees awaiting resettlement to study in Egyptian schools, and grants residence to a number of elderly persons who have remained stateless since the Second World War.

Human rights groups, however, expressed concern over two deportation cases in 1988. In August five Somali military cadets, who were members of tribal minorities, were repatriated against their will by Egyptian military authorities despite the attempted intervention of the Foreign Ministry. Three Iraqis, arrested on charges of belonging to an underground Shi'ite organization, were also deported on orders of the Interior Ministry. The Iraqis are believed to have been executed upon their return, while the Somalis are in detention. The seriousness of the case of the Somalis is compounded by their having been accepted for processing as refugees by the United Nations High Commissioner for Refugees

(UNHCR). As a result of these two cases, the Government has revived a cabinet-level board on refugee matters to ensure proper coordination. Minister of State for Foreign Affairs Boutros Ghali also issued a statement reiterating Egypt's commitment to all international treaties and agreements concerning the treatment of refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Despite a degree of political liberalization begun by Anwar Sadat and expanded under Hosni Mubarak, the right of Egyptian citizens to change their government through democratic processes remains limited. Since the 1952 Revolution, Egypt has had a political system characterized by a strong presidency. Four former military officers (Naguib, Abdel Nasser, Sadat, and Mubarak) have served as President in that period, but civilian government has become increasingly separated from military influence. Nasser ruled a one-party state, Sadat created an embryonic multiparty system, and Mubarak has substantially liberalized the political atmosphere by expanding the range of legal opposition activities.

According to the Constitution, the President is elected by the People's Assembly; his election is then ratified by popular referendum. President Mubarak's election in 1981 following the assassination of Sadat and his reelection in 1987 for a second 6-year term followed these constitutional provisions. These procedures in principle provide a process by which the Egyptian people may exercise their right to change their government. The opposition argues that the Constitution should be amended to allow for direct popular election of the President. Mubarak has countered that he is "administering democracy by doses," and that the public is not yet prepared for full democracy. In any case, the trend of current political developments is toward increasing political liberties and widening scope for legal opposition participation in the political system.

The People's Assembly comprises 458 members, of whom 448 are elected and the remaining 10 appointed by the President. In the 1987 elections, the National Democratic Party (NDP), headed by President Mubarak, won 348 seats, plus the 10 appointed seats. This represents a reduction from the 1984 total of 391. The two principal opposition groups, the Socialist Labor Party (in alliance with the Muslim Brotherhood) and the New Wafd, won 65 and under 30 seats respectively. The Constitution reserves half of the elected seats for worker and farmer deputies. The Assembly debates and passes laws, and must approve the Government's general policies and civilian budget. The military budget is not subject to parliamentary review. Assembly members can call for parliamentary investigations and interpellate ministers.

The NDP is a nonideological party which groups together a range of political camps, some of which support the statist and Arab nationalist policies promoted by former President Nasser, while others support the more liberal economic and pro-Western foreign policies promoted by Sadat. Still others are simply Mubarak supporters of little fixed ideology. It has a dominant role in most party-based institutions in the country. It holds a substantial majority in the Shura Council, as well as virtually all the seats in the 1,300 local popular councils across the country.

EGYPT

Five legal opposition parties are allowed to organize, hold rallies, publish their views, and run for election to the People's Assembly. The largest opposition party is the Socialist Labor Party, under whose umbrella the tiny Liberal Party and the illegal but tolerated Muslim Brotherhood (MB) ran in the 1987 parliamentary elections. This bloc, the "Islamic Alliance," captured 56 seats in the 1987 elections, making it the largest opposition grouping in the People's Assembly. The New Wafd Party, a revival of Egypt's leading nationalist party before the 1952 revolution, legally resumed activity in 1983 as the result of a court decision removing a ban on the political activities of the party's leaders. The New Wafd holds fewer than 30 seats out of the 448 elected seats in the People's Assembly.

The Communist Party has been banned since the early 1950's. The National Progressive Unionist Grouping (NPUG), a legal bloc of leftist factions, includes some Marxists. The NPUG did not win any seats during the 1987 elections, and formally opposed the President's reelection. The fifth legal party is the tiny Ummah Party, a vaguely Islamic party with no substantial public following.

According to a 1977 law governing the formation of parties, the Parties Committee in the Shura Council is empowered to review all petitions to establish new parties. The establishment of parties on religious or class lines is banned, which prevents the Muslim Brotherhood from standing for elections as a political party. Nonetheless, the Muslim Brotherhood participated in the 1984 elections as a partner with the Wafd, and in 1987 with the Socialist Labor Party. The ruling by the Constitutional Court striking down the requirement that all parties must accept Egypt's peace treaty with Israel may pave the way to the establishment of a legal Nasserist party as well. At this point, the only obstacle to the emergence of a Nasserist party is the requirement that all new parties must demonstrate that their platform is unique and constructive, but this provision is subject to interpretation. Many observers argue that the Government should allow all the political currents, including the Nasserists, the Communists, the Muslim Brotherhood, and perhaps even a Coptic party to form legal parties so that significant political forces will not be forced to go underground. The Government has responded that all major political forces are already represented in existing parties, so there is no need for new ones.

The opposition parties continue to complain about electoral fraud by the NDP and the calculation of the election results by the Interior Ministry. The postelection ruling by the State Council Administrative Court that the NDP should give up 17 seats to the New Wafd and the Islamic Alliance has never been implemented, and remains under discussion in both the State Council and Constitutional Court Systems. The opposition parties and some within the NDP and government leadership also object to the "party list system" used to calculate election results, arguing that direct election of individual candidates is fairer to smaller parties than is proportional representation, and would assure more high-quality candidates and popular participation. Some critics argue that the political system is designed to ensure that the NDP and the Government retain control of all important state institutions. Government supporters argue, however, that President Mubarak has firmly established at least an elementary multiparty system in order to create checks and balances and give expression to a broad range of political views.

EGYPT

Women have full legal access to the political system, and many are active in politics and government. Twenty-one elected members of the People's Assembly and two presidentially appointed members of the Shura Council are women, as is the Minister for Social Affairs. The ambassadors to Rome and Vienna and 86 other members of the diplomatic corps are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not responded to most of the queries from AI and other international groups about human rights concerns. AI sent two delegations, including one headed by the organization's Secretary General, to discuss human rights issues with senior government officials in 1988.

Human rights groups in Egypt continue actively to promote domestic and foreign human rights issues, even though they have not been accorded official recognition by the Government. The Egyptian chapter of the Arab Organization for Human Rights, which has been active for several years, was denied permission by the Social Affairs Ministry to establish itself as a legally recognized organization on the grounds that its activities were political in nature. The Government has also denied recognition to the larger Arab Organization for Human Rights, and refused permission for the establishment of a local chapter of AI. Nevertheless, the Arab Organization for Human Rights continues to maintain regional offices in Cairo, and publishes its newsletters and annual review of the human rights situation in the Arab world without interference.

Within the Government, primary responsibility for international human rights matters rests with the Foreign Ministry's Legal Office and Office of International Organization Affairs.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Egyptian law provides for equality of the sexes, but aspects of the law and many traditional practices are discriminatory against women. Women vote and serve in the People's Assembly and Cabinet. On the other hand, a married woman must have her husband's permission to obtain a passport. A child must have his or her father's permission for travel abroad, even if the parents are divorced and the mother has custody.

Marriage and personal status are primarily based on the religious law of the individual concerned, which for most Egyptians is Islamic law. The revised Family Status Law, enacted in 1985 to replace a 1979 law which had been declared unconstitutional by the Supreme Constitutional Court, amplified the legal basis for equality of the sexes beyond rights contained in Islamic law. It provides for a woman's right to divorce and preserves child custody and property rights. A second marriage by the husband (multiple marriage is acceptable practice in Islam) is grounds for divorce if it is shown that the marriage has caused the wife material psychological harm, or if the husband fails to declare such subsequent marriages. A wife has the option of retaining possession of the family residence or of receiving financial compensation. These aspects of the Family Status Law only apply to Muslims. Coptic Christians do not practice plural marriage, and the Coptic Church permits divorce only in unusual circumstances.

EGYPT

Under Islamic Law, which is applied in personal status matters, female heirs are entitled to one-half the amount received by male heirs. However, only male heirs have a duty to provide for all needy members of the family. Economic necessity as well as changing attitudes are drawing more and more women into the work force. They are increasingly well represented in medicine, law, and education. However, women employed in nonagricultural work are generally paid at about 65 to 75 percent of the rate paid to men. In rural areas and within more traditional communities, prevailing cultural values make it more difficult for women to work outside the home.

Despite the legal stipulation of equality, women living in more traditional areas occupy a subordinate and dependent role in the household. Women's rights advocates note that some traditional attitudes and practices--particularly female circumcision; Islamic legal attitudes toward divorce and plural marriage; and the male relative's responsibility to punish even to the point of death his female relatives who bring dishonor to the family by actual or presumed violation of the strict traditional code of sexual conduct--are highly discriminatory against women. Some of these actions are illegal. Most of these traditions are disappearing in the cities, but are still observed to varying degrees in the countryside.

Coptic Christians work in all career fields, occupying many leadership positions in the business and professional communities. Copts continue to enjoy access to public employment, although there appears to be some discrimination against young Copts seeking to obtain employment in government or the public sector. Coptic representation at the highest levels of government increased slightly--from 2 to 3 of the total of 33 cabinet ministers and from 9 to 11 of 458 People's Assembly deputies--following the People's Assembly elections and a minor cabinet reshuffle in 1987. Copts seldom advance to the senior ranks of the military, security, or diplomatic services, nor are there any serving Coptic Governors or security directors of Governorates.

Some Copts allege that they are discriminated against in admission to some fields of medical study, particularly obstetrics and gynecology. Islamic activists have objected to the prevalence of Copts in the medical and pharmacological professions, arguing that Muslim women should not be treated by Coptic doctors or go to Coptic pharmacists. There are also reports that universities have effectively blocked Coptic professors from becoming administrators and chairmen of certain departments.

Although religious minorities face social prejudice and individual acts of discrimination from some Muslims, there is no evidence that these acts are officially inspired or condoned. President Mubarak has emphasized publicly the full equality of Copts and other religious minorities. The courts' application of Islamic law to personal status matters among Muslims and the Islamic influences elsewhere in the legal system have not affected the constitutionally guaranteed rights and freedoms of Copts and other minorities.

EGYPT

Section 6 Worker Rights

a. The Right of Association

The law provides for the workers' right to join local committees of workers, but does not permit strikes. About 20 to 25 percent of the work force is unionized. Any establishment employing 50 or more workers must allow them the right to organize a local committee if the workers so desire. These locals are affiliated with national trade unions, organized along sectoral lines, all 23 of which are required to affiliate with the single labor federation, the Egytian Trade Union Federation (ETUF). There have been complaints to the International Labor Organization (ILO) that requiring all national trade unions to join a single federation infringed upon the workers' freedom of association. Thus far, the Government has not given any indication that it will accept the establishment of more than one federation. The leadership of the Federation asserts that it actively promotes workers' interests and that there is no need for another federation.

ETUF is a member of the Organization of African Trade Union Unity and is seeking readmission to the International Confederation of Arab Trade Unions (from which it was expelled in 1978). ETUF sends observer delegations to International Confederation of Free Trade Unions and World Federation of Trade Unions conferences, but, in an effort to maintain its nonaligned status, has not joined either one.

Relations between ETUF and the Government improved following the retirement under government pressure of former ETUF head Saad Muhammad Ahmad in 1987. Ahmad is currently under investigation for alleged financial improprieties while he was jointly Minister of Manpower and head of the Federation. The trade union movement held national elections in 1987, and elected a new ETUF Council and a new head, Chemical Workers Union President Ahmad Al-Amawy. Al-Amawy has developed good, cooperative relations with the Government, but has also been willing to insist on wage increases for workers to compensate for government economic reform policies resulting in price increases for many subsidized commodities. ETUF has accepted the 1986 government decision separating the position of Minister of Manpower from the position of head of the Federation.

The trade union movement's elections are held periodically at all levels. ETUF has a pyramidal structure, with each level electing the leadership of the next level. A council of national union presidents elects the ETUF Council, which in turn elects the President of the Federation from among its ranks. Candidates for union elections are investigated and approved by the Office of the Socialist Prosecutor and GDSSI; those considered political radicals or with criminal records are weeded out in this process. The trade union movement is proud of the relative independence of its election procedures; a large number of union presidents were not reelected in 1987. The person and property of union leaders are not threatened by the Government or nongovernmental antiunion forces.

The Labor Law provides for a system of arbitration to resolve wage and working condition disputes. While the Labor Law and the Labor Unions law are silent on the right to strike, the larger body of Egyptian law in fact restricts workers' right to strike. The Criminal Code provides criminal penalties of

up to 2 years in jail for civil servants or public sector employees who strike. Somewhat more severe penalties may be applied to those who incite others to strike.

The strongest antistrike provision is contained in the Law of National Unity, decreed by Sadat following the 1977 bread riots, which prohibits strikes that threaten the national economy. The full implications of this law are not yet clear. In 1987 the State Security Court ruled in the case of a 1986 train conductors' strike that the Government is obligated as a signatory to the International Covenant on Economic, Social, and Cultural Rights to allow workers the right to strike peacefully. However, a presidential review panel refused to accept the court's decision, and the issue remains unresolved. In August the organizers of a sitdown strike in textile factories in the industrial center of Al-Mahalla Al-Kubra were arrested under the same law, and at year's end were awaiting trial.

b. The Right to Organize and Bargain Collectively

The law provides for the workers' right to organize. Collective bargaining is permitted in the private sector (including in export processing zones), but not in the public sector where most union members are employed. For the most part, private sector wages and benefits are higher than those in the public sector.

Trade union leaders note that there is a distinction between the unions' function in negotiating with the public sector and the private sector. Public sector wages and benefits are set by law at the national level. Trade unionists point to the constitutional provision that half the members of the People's Assembly must be workers and farmers, and note that the struggle to protect workers' interests in the public sector takes place in the legislature. ETUF also says that it holds regular private discussions with senior government officials, in which the Federation attempts to promote the interests of the workers. Working conditions are discussed between union representatives and management in public sector companies.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor. There are no reports of forced or compulsory labor.

d. Minimum Age for Employment of Children

The minimum age for employment is 12 (which is also the age at which a child completes compulsory education). The law permits children between the ages of 12 and 16 to work up to 6 hours a day with 1 hour of rest, but prohibits them from working after 10 p.m. or engaging in certain forms of dangerous or heavy labor, such as mining. There is considerable evidence, however, that in practice underage children continue to perform full-time jobs, particularly in rural areas. Growing numbers of urban children also are working, as families are forced by economic necessity to increase their sources of income. Newspaper articles in both the progovernment and opposition press have charged that several million children may be working fulltime in violation of the labor law. Informal private sector workshops and cottage industries appear to be the main urban users of child labor. Representatives of both government and labor argue that such unregulated industries cannot be supervised. It is also the

case, however, that larger private textile factories employ large numbers of young girls, who may work up to 12-hour shifts. There is no evidence that any consistent attempt is made to enforce the law regarding child labor.

e. Acceptable Conditions of Work

Employers are required by law to provide acceptable terms and conditions of employment for their workers. The minimum wage of approximately $22 a month is low, but is part of a social contract which includes generous government subsidies of foodstuffs and other basic necessities. Within the local context, most workers are able to maintain a decent standard of living for themselves and their families. The regular workweek is fixed at 48 hours for factory workers. Many workers increase their incomes by working overtime.

Employers are legally required to meet worker safety and health norms, which are modeled on the ILO's suggested standards. There are special provisions for women workers, including generous maternity leave. Employers who violate wage, hour, and safety and health provisions face civil and criminal penalties. Labor inspectors enforce these provisions with varying degrees of success. Employers are seldom prosecuted, but reliable sources confirm that the courts occasionally impose fines on offending companies. The worst violators of the legal provisions on conditions of labor are small workshop owners in the informal sector whose operations are not subject to supervision or inspection.

INDIA

India is the world's largest democracy, a secular republic with a political structure that incorporates Indian political traditions with aspects of the British parliamentary system. Free elections are held regularly at the national and state levels. As a result of the last general election in 1984, Prime Minister Rajiv Gandhi's Congress (I) Party holds almost 75 percent of the seats in the Lok Sabha (the lower house of India's Parliament) and controls the Rajya Sabha (upper house) by a slight majority. It also controls the legislatures of 13 of the 25 states and participates in the ruling coalition of one more. The elected state assembly in Punjab was dissolved in May 1987 and replaced by "President's rule" (direct rule from New Delhi), following political violence. Three other states are also under President's rule.

The internal security apparatus combines national- and state-controlled paramilitary and police forces. While the 25 states have the primary role in maintaining law and order, the central Government has responsibility for protecting the fundamental rights guaranteed under the Constitution, both in law and in practice. The Union Ministry for Home Affairs controls the nationwide Indian Police Force, the paramilitary forces, and the intelligence bureaus. The state governments control their own police forces, the provincial armed constabularies, and some specialized police forces. In the 41 years since India's independence, control of law and order operations has moved increasingly under the Home Ministry. This tendency stems in part from the rapid growth of the intelligence bureaus, which function with little reference to the state governments, and in part from the increased use of paramilitary forces against armed groups demanding separatism or revolutionary change. Military forces were used for internal control in the 1984 army action on the Golden Temple complex in Amritsar, Punjab, and in a subsequent military action there in 1988.

The Indian economy is mixed. The central and state governments own and operate banks, air and rail transport, public utilities, and much heavy industry. The agricultural sector, manufacture of consumer goods, some heavy industry, and services other than financial are largely in private hands. Some rules regulating private economic activity have been relaxed. A population of over 800 million, growing at over 2 percent annually, places enormous pressure on available resources. Government estimates place more than a third of the population below the poverty line.

There were no major new developments in the human rights situation in 1988. Observance of human rights varies significantly from state to state. India is a basically democratic polity with strong and legally sanctioned safeguards for individuals, and a vigorous free press. Nevertheless, India's many social tensions continue to generate significant human rights abuses. In 1988 the most serious human rights problems included terrorist killings and retaliatory killings by security forces in the Punjab; incommunicado detention of security suspects for prolonged periods without charge under antiterrorist laws; intercaste violence, linked to communal elements, against underprivileged groups, particularly in the state of Bihar; widespread reports that police were staging killings in fake "encounters"; torture and illegal detention; the lack of control over police and the lack of vigorous investigation and prosecution by

authorities in several states of police accused of rape and other mistreatment of suspects under detention; nonimplementation of laws affecting women's rights; the increase, regionally and numerically, of "dowry deaths" (murder of young married women for property reasons); and the significant abuse of indentured and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The Government does not sanction political killing. In 1988 stringent law and order measures were taken, particularly in the state of Punjab, to curb political violence. On the other hand, local political leaders are often involved openly in communal or caste-related violence, which often leads to killings, in various parts of the country.

In Punjab the level of killings rose in the first 6 months, despite the enactment of the 59th Amendment to the Constitution in March to extend President's rule beyond the maximum limit of 1 year. Estimates of terrorist killings in Punjab vary. The Press Trust of India reported that 1,771 persons were killed in Punjab by terrorists between January and June, including leaders of political parties and other organizations, policemen, journalists, and whole families. An average of 9 persons were killed daily compared to 3 killings a day during the same period in 1987. On August 7, the Home Minister provided Parliament with an official and somewhat lower figure of 1,277 persons killed in the first 6 months in terrorist-related actions. The figure included 62 police deaths. He also announced that 169 terrorists had been killed in encounters with security forces, with 12 terrorists killed "otherwise." Terrorist actions included train derailments, bomb blasts in public places, and killings of migrant workers. Most victims of the violence were unarmed Sikh and Hindu civilians, most of them killed by Sikh militants. In March terrorists killed 33 Hindus and Sikhs participating in a religious festival in Hoshiarpur.

Separating deaths caused by politically motivated terrorists from deaths as a result of common crime is difficult because neither the press nor the Government makes a careful distinction between the two. While police have been instructed to distinguish between "normal" and "terrorist" crime, the authorities have not made detailed statistics available. Police at the local level have been accused by critics of subsuming "normal" crime under "terrorist" crime to delay or avoid investigation of police actions.

In May, during an exercise code-named "Operation Black Thunder," security forces killed over 20 Sikh militants who had taken armed control of the Golden Temple complex in Amritsar and arrested 75 others. Both Hindu and Sikh observers credit the Government with showing restraint, in contrast to the 1984 "Operation Blue Star" in which over 1,000 people died and heavy damage was caused to the Golden Temple shrine itself. A number of corpses were discovered by security forces inside the complex, giving rise to charges that the militants had tortured and killed people they had captured there. During the year, the Government released 178 Sikhs who had been arrested in the Golden Temple in the June

1984 "Blue Star" operation, and who had been held in Jodhpur central jail, charged with waging war against the State. Of the original detainees, 196 remain in jail.

The 1987 Misra Commission on the anti-Sikh riots, which took place following Indira Gandhi's assassination in October 1984, recommended certain actions against those responsible for the riots. In October, shortly before the fourth commemoration of Mrs. Gandhi's death, six persons were sentenced to life imprisonment for killing four people during the riots. They were the first to be convicted and sentenced.

Intercaste and political killings continued to plague Bihar, with Harijans ("scheduled," or lowest caste) the main victims of the assaults. Between January and August, 61 people were killed in the Jehahabad district of Bihar. Twenty-nine were killed in two incidents; one involved a mass killing of 18 Harijans in their beds in June, and the other the killing of 11 Harijans in August by suspected agents of the Yadavs (a pastoral caste), with control of land and cultivation as the motivating factor. There were charges that tardy police intervention increased the number of deaths in the incident. Bihar state authorities appear not to have provided adequate security to prevent such incidents, nor to have made active efforts to arrest members of the groups who commit the violence. The Union Home Minister reported that the killings were "the handiwork of the 'extremists,' out to destabilize the popular governments." The report recommended sending government paramilitary forces to Bihar to deal with the "militants." The Home Minister's decision launched massive arrests by state police, which was popularly viewed as a means of curbing villagers who demanded just wages and who protested against oppressive landlords. The connection between certain politicians, criminal gangs, and landlords in rural areas, where senas (private armies) and local police are used to resist demands for social and economic change, still exists in states such as Bihar. In turn, disadvantaged castes have increasingly joined the activities of radical groups there and in Andhra Pradesh.

According to government figures, in the first half of 1988 communal violence (primarily Hindu-Muslim) broke out in 238 clashes in different parts of the country. By June, 33 persons had lost their lives, compared to over 300 killings in 689 communal riots in all of 1987.

In the southern state of Andhra Pradesh, police and "Naxalites" (a loosely applied generic term for various Maoist radical groups), continued to clash. Violence increased in 1988 as Naxalites retaliated against alleged human rights violations by the police. In the first 9 months, 30 people died in "encounters" between police and Naxalites. The Andhra Pradesh Civil Liberties Committee charged that 20 of these deaths resulted from "official barbarism." The group requested Amnesty International (AI) to inquire into the deaths of students, youths, and tribals involved in such "encounters." In both Punjab and Andhra Pradesh, critics accused the police of staging fake "encounters" with terrorists to cover up deaths in police custody and of wrongly attributing causes of deaths in custody. The police rarely suffered casualties in these encounters. The victims were invariably killed, rather than wounded or captured.

In western India, communal violence was reported in the states of Gujarat, Madhya Pradesh, and Maharashtra. In riots in the

Maharashtrian cities of Pune and Aurangabad, more than 20 persons were killed when political parties, including the Congress (I), inflamed religious rivalries as a means of winning votes in a local election. Order was restored only by a large police contingent operating under "shoot on sight" orders. No preventive measures were taken in advance of these disturbances, even though the Maharashtra Chief Minister reportedly said the administration had "anticipated" the riots.

Anti-Sikh violence broke out in Bidar, Karnataka, on September 14. The Indian press reported that at least 6 Sikh students were killed, 35 students were missing, and Sikh homes and businesses were singled out for arson and looting.

Law and order in the Indian system is primarily the responsibility of the various states. The quality, training, and evenhandedness of police vary from state to state, as does the willingness of authorities to restrain political violence. The decision whether to institute judicial proceedings in cases of politically related violence often appears itself to be heavily political.

AI's review of 1987 human rights violations issued in August 1988, stated that in some areas the Government ordered measures to maintain law and order in the face of violent opposition by armed groups. On the other hand, the report attributed police excesses, arbitrary arrest, and prolonged detention without trial to the removal of legal safeguards in security laws, and "official failure to clamp down on lawlessness by India's national and state security forces."

b. Disappearance

Reports of disappearances in the state of Punjab remain hard to investigate, as access by independent observers is severely restricted. Several Indian public figures have said privately that a small number of Sikhs have disappeared while in police custody, but no first-hand information to support these statements is available.

In the nearby state of Uttar Pradesh (UP), the whereabouts of journalist Umesh Dhobal, missing since March 25 after investigating the UP Government's liquor licensing practices, remains unknown. The journalist's family lodged a report with the police following his disappearance, but no action was taken. In October, following a petition to the Supreme Court, the UP Chief Minister agreed to order a Central Bureau of Investigation (CBI) inquiry into Dhobal's case.

Two inquiries into separate incidents in May 1987 in Uttar Pradesh have yet to be completed, and no charges have been brought. In the first incident at Meerut, members of the Provincial Armed Constabulary (PAC), made up mostly of Hindus, arrested "several hundred" Muslim men and shot "several dozen." Thirty-two others who were arrested "disappeared." The next day, AI reports, 80 unarmed men, women, and children were killed indiscriminately by members of the PAC.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel treatment or punishment are prohibited by law in India. Confessions or information extracted by force cannot, by law, be admitted in court, although, significantly, under a 1987 provision of the Terrorist and Disruptive

Activities (Prevention) act (TADA), a confession made to a police officer is admissible in evidence, provided the police have "reason to believe that it is being made voluntarily." The frequent press accounts of police brutality against detainees in obtaining confessions have fed widespread charges of police excesses.

Throughout 1988, the press and human rights groups continued to report allegations of abuse of prisoners and suspects by police in many Indian states. Several cases of death in detention were publicized in Kerala. Persons under arrest reportedly died either from interrogation methods, or, according to police reports, committed suicide after interrogation.

In the northeast, where ethnic and communal rivalries continue to fester, the police and paramilitary have been accused repeatedly of law enforcement excesses. Under the Armed Forces (special powers) Act in force in Nagaland, security personnel are not held legally accountable for their acts. Press reports of an offensive against insurgents in the Mon district in January described security forces encircling 2,000 villagers and making arrests. The body of one of those arrested was returned the following day. The district superintendent of police reportedly confirmed that the victim had died under torture.

In July the Home Minister confirmed that if any prima facie evidence of excessive or illegitimate use of force by a police officer was found, the delinquent officer would be liable for "severe punishment." However, few central Government or state inquiries were reportedly made into allegations of torture and rape of prisoners while in police custody. According to AI, in early 1988 compensation was paid to 60 of the Sikh detainees now in Jodhpur jail who had allegedly been tortured in Ladha Kothi jail, Sangrur, Punjab, between September 1984 and January 1985. The Supreme Court set a July 1988 deadline for the completion of an inquiry into the conduct of the police officers involved, but no disciplinary action had been reported by year's end.

In its review of 1987 human rights violations issued in August, AI expressed concern about reports of police torture and ill-treatment from many parts of India, resulting in dozens of deaths in custody. Many of the alleged victims belonged to the "scheduled" castes and tribes. There have been numerous claims of rape by the police of female members of these groups. However, even when pressure for an official inquiry is successful, further action reportedly is seldom taken. AI notes that no police officers were known to have been convicted of causing deaths in police custody.

Press reports about prison conditions include charges of sexual abuse of prisoners, and the use of prisoners by prison officials for domestic labor. A petition was filed in the Supreme Court in 1985 on behalf of 1,400 children illegally detained in prison, all over India. By October 1988, the case had been adjourned 24 times and was still awaiting judgment.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that an arrested person be informed of the grounds for arrest, given the right to be represented by counsel, and produced before a magistrate within 24 hours of arrest. At this initial appearance, the accused must

either be remanded for further investigation or released. These provisions have been upheld by the Supreme Court and are generally respected. In Punjab, pursuant to the Disturbed Areas Legislation, arrest warrants are not required.

The Constitution permits the enactment of preventive detention laws in the event of threats to public welfare and national security. Such laws provide for limits on the length of detention (up to 2 years) and for judicial review of such detention.

The National Security Act (NSA) permits detention of security risks. To be released from detention under this law, a court must determine that all grounds for detention are invalid. The NSA was used in Punjab to place a number of persons in preventive detention following the imposition of President's rule in May 1987. Under NSA's strong special and preventive detention provisions, persons may be detained for up to 1 year (2 years in Punjab) without charge or trial on loosely defined security grounds but must be brought before an advisory board within 7 weeks of arrest, at which time the detainee may be released on the basis of "insufficient grounds." Most of those detained under the NSA in Punjab have been released. On March 31, the Home Minister announced that 619 persons were detained under the NSA, of which 159 were in Punjab (compared to 109 in March 1987). Several hundred members of factions of the Akali Dal Party, including former chief minister S.S. Barnala, were detained under the NSA in May while peacefully demonstrating against the security forces' "Operation Black Thunder." In early June, 250 of these detainees were released, including Barnala. Other major Sikh political leaders remained in detention.

Under the TADA, incommunicado detention is permitted. The TADA applies to a number of states, including Punjab and Gujarat. The Act permits maximum detention of 2 years, but provides the right of review and access to legal counsel. The Home Minister announced that, by March 1988, 2,681 persons had been arrested under the TADA in Punjab.

Since then, 118 have been released on review or appeal. In Gujarat 2,289 persons were arrested under the TADA, many of them students and farmers protesting price increases and workers opposed to the contract labor system. Upon review, 593 detainees were released.

In March the 59th Amendment to the Constitution became law, permitting the Government to proclaim an emergency in Punjab on the grounds of "internal disturbance" and permitting President's rule for up to 3 years without prior parliamentary approval. The amendment annulled the 44th amendment, which protected the right to life and personal liberty even in an emergency. In its 1988 Report, AI concluded that the 59th Amendment would allow for contravention of the International Covenant on Civil and Political Rights, to which India is a party, and could be used for large-scale arbitrary arrests and detention of persons expressing their opinions peacefully. The controversial civil rights provisions of the amendment have not yet been put into practice.

Exile is not practiced as a punishment in India. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The Indian Criminal Procedure Code provides for open trial in most cases but allows the judiciary, under certain circumstances, to hold closed proceedings. Such "circumstances" include proceedings involving official secrets or trials in which statements prejudicial to the safety of the State might be made. Sentences must, however, be announced in public.

Generally, India's legal procedures assure a fair trial, although the process can be drawn out. Defendants have the right to choose counsel from an Indian bar that is fully independent of the Government. The Indian bar has a record of vigorously protesting infringements of human rights. Effective appeal channels exist at all levels of the judicial system.

The judiciary is independent from the executive branch. Judges are selected by the Law Ministry following consultations with the Chief Justice of the Supreme Court Islamic religious law governs some noncriminal matters concerning Muslims, including divorce.

The Terrorist Affected Areas (Special Courts) Act (TAAA) permits the establishment of special courts sitting "in camera" and allows the identity of witnesses testifying before a special court to be kept secret. Under an unusual provision of the TAAA, a defendant charged with "waging war" carries the burden of proving his innocence, as in the case of the Jodhpur jail detainees. Civil rights groups charge that these special rules are contrary to the presumption of innocence customary in Indian law.

In 1988 the judicial authorities in Punjab failed to bring to trial a number of alleged terrorists who had been charged, as well as some police offenders. Government officials claim they are unable to find witnesses to testify against terrorists.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Indian law, warrants are normally required for searches and seizures. In a criminal investigation, however, police may conduct searches without a warrant if obtaining a warrant would cause undue delay, but must justify such searches in writing. Under the Disturbed Areas Legislation, the authorities continue to have special powers in Punjab to search and arrest without a warrant and to shoot to kill under certain circumstances. They have also been granted a significant increase in telephone surveillance powers.

Surveillance of communications, including tapping of telephones and intercepting personal mail, is authorized "on the occurrence of any public emergency or in the interest of the public safety or tranquility." Censorship of mail is legal in certain circumstances, such as in a public emergency.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Free speech and expression are protected by the Constitution, and newspapers reflect a variety of political, social, and

economic beliefs. The Government controls the allocation of newsprint, however, as well as the placement of government and public sector advertisements and has been accused of using these means to exert influence over the press. National television and radio, which are government monopolies, are frequently accused of manipulating the news to the benefit of the Government.

The Government generally permits the print media to publish all but the most sensitive political and security stories, which come under the purview of an Official Secrets Act. Several major national publications published investigative reports and allegations of government wrongdoing, and the press regularly champions human rights causes and criticizes perceived government lapses. A major event widely perceived as threatening press freedom was the Government's attempt in August-September to enact the Defamation Bill of 1988. The Government claimed that the Bill was necessary to prevent the press from slandering the reputation of citizens. It was passed by the lower house of Parliament but, following widespread, intense press and public pressure (including a September 6 nation-wide strike by nearly all journalists), the Government decided not to proceed. The measure's critics charged it would hamper investigative reporting, shift the burden of proof to the accused journalist, enforce stiff penalties of up to 5 years in jail, enable trials to be conducted "in camera," and force the mandatory presence of the accused throughout all defamation court proceedings.

The Government was also accused of harassment when it initially denied the Indian Express group of publications a facsimile circuit to transmit materials between its Madras and Bangalore offices. The Editors' Guild of India condemned the Government for its "politically motivated" action against the Indian Express group, which is a leading opponent of the Gandhi administration. The Government eventually allowed the circuit to be established. The Government's banning in October of a controversial book by a prominent expatriate Muslim author on the grounds that it would inflame intercommunal relations gave rise to charges of censorship.

Films are reviewed by a Film Censorship Board before being licensed for distribution. The Board deletes material deemed offensive to either public morals or to religious or communal sentiment.

b. Freedom of Peaceful Assembly and Association

The Constitution protects the right of peaceful assembly and the right to form associations. These rights are respected. Government authorities sometimes require permits and notification prior to holding parades and demonstrations. At times of civil tension, local governments can ban public assemblies and impose a curfew. Ordinarily, local governments respect the right to protest peacefully, including such traditional Indian forms of protest as "gherao," in which an office is surrounded by protesters who allow nobody to enter or leave, and sitdowns blocking public thoroughfares.

c. Freedom of Religion

India is a secular state in which all religious groups have the right to worship freely. Government policy does not favor any religious group, but communal tensions based on religious

differences continue to be a social problem and pose challenges to the secular nature of the Indian polity.

There is no bar to proselytizing by Indian Christians, but the Government limits the number of foreign missionaries. In Bihar confrontations have persisted between Christian missionaries and Hindu fundamentalists. Indian religious organizations may maintain communications with coreligionists abroad. Financial contributions from abroad are subject to scrutiny and licensing by the Ministry of Home Affairs.

Despite acts in various states pertaining to the removal of obstructions to the exercise of religious freedom, Harijans (scheduled castes) are still prevented from entering Hindu temples in some areas. In June police in Rajasthan arrested a protest leader who attempted to defy the ban on the entry of Harijans into Hindu temples. The All-India Harijan League appealed to the Supreme Court July 14 to take action against a local religious leader who openly opposed the right of Harijans to enter Hindu temples.

Generally, the Government has been careful to avoid placing restrictions on Sikh religious practices or on the management of Sikh places of worship. However, in May the Government promulgated an ordinance making it an offense to use any religious sites for political purposes. This Religious Institutions (Prevention of Misuse) Ordinance also prohibits the use of temples for harboring persons accused or convicted of any crime. While designed specifically to deal with the Sikh places of worship in Punjab, the ordinance technically applies to all religious sites.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Indian citizens enjoy full freedom of movement within the country, except in certain border areas where, for security reasons, special permits are required. Foreign travel and emigration are without political restrictions. Millions of people of Indian origin live abroad. Foreigners (including diplomats) must obtain special permission to visit Punjab and Assam and are prohibited from visiting other sensitive border areas. Foreign journalists accredited to India may travel to Punjab without prior permission.

India admitted millions of refugees and displaced persons at the time of partition in 1947 and granted them citizenship, integrating them fully into Indian society. Subsequent migration has largely been the result of upheavals in nearby countries, and some of the refugees in these migrations have not been granted citizenship or been fully integrated. In some cases, both the refugees and their hosts consider their stay temporary, although it may be for a long time.

The most recent migrations have been of Bangladeshi Chakmas (estimated as high as 50,000 persons) into northeastern states and Tamils from Sri Lanka into Tamil Nadu. The Assam state government is committed to identifying "foreigners" who have entered that state with a view towards repatriating them, though almost none have been forced to leave. Tamils from Sri Lanka in Tamil Nadu are provided shelter and subsistence by the Government. The 1987 accord between India and Sri Lanka, aimed at settling the Sri Lankan ethnic conflict, calls for repatriation of these refugees, and that repatriation is under way.

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Several thousand Afghans have entered India since the Soviet invasion in 1979. Many have been resettled elsewhere, but nearly 5,000 currently are being protected and assisted by the United Nations High Commissioner for Refugees (UNHCR).

In addition, nearly 2,000 Iranian refugees are under the UNHCR's protection. Many were studying in India when the Iranian revolution came, but most had either arrived from Iran on tourist visas or fled on fraudulent documents to join Zorastrian, Baha'i, or Christian communities in India. Although India is not a signatory to the U.N. Convention and Protocol Relating to the Status of Refugees, the Government allows the UNHCR to operate normally, grants the refugees renewable residence permits, and otherwise behaves as a signatory. In 1988 there were no cases of forcible repatriation.

India continues to provide humanitarian assistance and protection to the large and vigorous Tibetan refugee communities in Dharamsala and elsewhere in India.

The Government announced in October that strict instructions had been given to Indian troops on the Burma border not to turn away Burmese refugees. On October 25, the External Affairs Minister announced that 182 Burmese refugees had been allowed entry into India.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

India is governed under a complicated but democratic parliamentary system. The Constitution provides for full adult suffrage. Elections are held regularly, involving multiple parties. A parliament can be constituted for not more than 5 years, except under constitutionally defined emergency situations. New parliamentary elections are due by the end of 1989.

On the advice of the Prime Minister, the President can declare President's rule, or a state of emergency, in any state in the event of: war, external oppression, internal disruption, collapse of the constitutional machinery in any state, or financial breakdown of the central or any state government. Under President's rule, the central Government, through the Parliament and the President, directly controls the state by replacing the elected state government. At the present time, four provinces are under President's rule: Punjab, Tamil Nadu, Mizoram, and Nagaland.

There are no legal barriers to female candidates for public office. India had a woman Prime Minister, the late Indira Gandhi, who was Prime Minister from 1968 to 1977 and from 1979 to 1984. Eight percent of legislators in the lower house of Parliament are women, and women legislators make up 3 to 4 percent of state assemblies.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The central Government, while tolerant of dissent within India, is sensitive to international allegations of human rights violations. AI representatives were denied permission to investigate human rights problems in the Punjab in 1988. AI's report, "India: A Review of Human Rights Violations,"

criticized antiterrorist and preventive detention laws, under which it stated several thousand political detainees have been held without charge or trial, including hundreds of Sikhs in Jodhpur jail since 1984. The review urged the Government to restore legal safeguards, take steps to prevent torture and deaths in custody, and undertake impartial investigations into cases of illegal police actions. A government spokesman responded that most specific charges of human rights violations had proved to be baseless, adding that wherever charges had been proved, exemplary action had been taken against the guilty.

Independent Indian human rights organizations are active and vocal. They include Citizens for Democracy, the People's Union for Civil Liberties and the People's Union for Democratic Rights, all of which send out teams to study specific allegations of human rights abuses. The Indian People's Human Rights Commission, formed in 1987, consists of jurists and human rights activists from all over India. The Commission set up a tribunal, with 11 ex-judges of the Supreme Court and high courts on the panel, to take up cases which appear to involve major violations of human rights by the State. A report on the first case taken up by the tribunal, on the 1986 massacre at Arwal, Bihar, was published in early 1988. The report concluded that the police killing of 21 people in this incident was indiscriminate, unnecessary, and unjustified. The tribunal made recommendations to prevent future recurrences of such incidents. There is no evidence of any action by the Government on these recommendations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Several provisions in the Constitution work in favor of women; however, deeply rooted traditions, in many cases tied to religious practice, tend to act against constitutional guarantees of equality. Since independence, women have been prominent in the fields of public service, medicine, and law although their numbers have remained small.

The Government has under consideration a Draft National Perspectives Plan for Women: 1988-2000, whose main objective would be to remove gender bias in the law. The plan contains a proposal to reserve 30 percent of the seats in the Parliament, state assemblies, and local bodies for women; recommends more emphasis on the training of women; and includes recommendations on matrimonial property issues. No extra expenditure is envisaged to implement the plan, which has been a controversial subject among women's organizations.

There is legally sanctioned discrimination against women manifested in various family, marriage, and inheritance laws. Females suffer a higher mortality, particularly in the 0-5 age group, resulting in an adverse and declining ratio of 933 females per 1,000 males, which may also be due, at least in part, to discriminatory attitudes. Female literacy is substantially lower than the national average of over 40 percent. While school enrollment of boys at the primary level has achieved near universality, only two-thirds to three-quarters as many girls attend primary schools.

The midyear government report by the National Commission on Self-employed Women stated that 94 percent of Indian women work in the unorganized sector, i.e., a sector not controlled by labor laws. In spite of a statutory minimum wage fixed in

each state, contractors set their own lower wage when employing women, even though one-third of all households are supported solely by women, while in another third, they make 50 percent of the financial contribution.

These factors underscore the traditionally low economic and social value placed upon females, resulting in neglect of their nutritional, health, and educational needs.

In recent years, attention has been focused on the incidence of "dowry death," i.e., deaths under suspicious circumstances of women unable to provide the additional goods demanded by their husband's family after marriage. Despite the strengthening in 1986 of the Dowry Prohibition Act of 1961, the number of dowry victims increased in 1988. In August the Home Minister told the upper house that in Uttar Pradesh alone 553 cases of dowry deaths (mostly by burning) were reported in 1987. In the first 4 months of 1988, 291 dowry deaths had already been reported in Uttar Pradesh. The number of dowry deaths in West Bengal has also reportedly increased dramatically. From January to June 1988, 675 cases were reported, compared to 254 during the same period in 1987. Police officials said the cases were concentrated in the district of Midhapore. By law, every unnatural death of a woman in the first 7 years of marriage must be investigated by the police and a magistrate. Despite these measures, almost no one has been convicted of causing a dowry death.

Sati, the practice of self-immolation by widows, has long been illegal in India. Following the sati of a young widow in Rajasthan in 1987, the state government strengthened an ordinance against abetting and glorification of the practice. This, combined with the central Government's Commission of Sati (Prevention) Act which became law in January, has had some effect in discouraging the glorification of such acts.

According to press reports, the practice of branding women as witches still exists in some parts of the country. In the Singhbhum district of Bihar, an estimated 200 women a year are labeled as witches and publicly killed. Many more are driven out of their villages to fend for themselves in local forests with poor chances of survival. The police reportedly justify their noninterference by claiming they can do nothing against deep-rooted, traditional superstition.

The Government has initiated programs to improve the lot of the lower-caste Hindus who make up 15 percent of the population. The reservation system, whereby lower castes ("scheduled castes", "scheduled tribes," and "other backward communities") are offered preference in areas of employment and admissions to educational institutions, attempts to further strengthen the legal protection accorded to these underprivileged and often victimized groups. The system has met with limited success. In some cases, higher-caste communities have mobilized against improving conditions for the disadvantaged, with violence sometimes resulting. Political controversy surrounds the question of which lower castes, tribes, and classes should be given preference in education, employment, and housing, when the program is perceived as threatening the economic position of higher-caste groups. In several states, the system of reservations for disadvantaged groups is manipulated for political gain by local party leaders.

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Minority religious groups continued to charge that they are victims of discrimination. Terrorist actions have increased violence and distrust between Hindu and Sikh communities. Although they are treated equally under the law, Sikhs, particularly young males, continue to be subjected to more rigorous security precautions than others in certain circumstances, e.g., airport security.

Section 6 Worker Rights

a. The Right of Association

Indian workers and employers have the full constitutional right of association as defined by the International Labor Organization (ILO). Confederations of both employer organizations and trade unions exist. Trade unions have the legally protected right to strike. Unions represent less than 25 percent of the total of industrial workers but about 50 percent of industrial workers in the "modern" sector. Most Indian workers (estimated at over 70 percent) are in the agricultural sector, traditionally unorganized, although recently trade unions have begun organizing efforts in that sector as well. Most Indian trade unions have some form of ties to a political party, national or local. Nevertheless, trade unions are usually adamant about preserving their formal independence from political parties, and in practice they have been known to differ from their respective political parties on labor-related issues. Major trade union organizations are affiliated with recognized international confederations, such as the International Confederation of Free Trade Unions, and regularly participate in conferences of the ILO. The ILO maintains an office in New Delhi and on occasion complaints are filed there--often by Communist unions--alleging violations of ILO standards. The Government cooperates in the investigation of such complaints.

Workers enjoy the right to strike in principle but, under the Essential Services Maintenance Act, the Government can ban strikes and require conciliation or arbitration in specified essential industries. Legal mechanisms exist for challenging the assertion that a given dispute falls within the scope of this Act.

b. The Right to Organize and Bargain Collectively

The right to organize (including protection against antiunion discrimination) and to bargain collectively has existed in Indian law for decades. Trade unions carry out these activities independently and without government or, in general, employer attempts to interfere. Police and judicial authorities are generally quick to protect peaceful union activities.

In addition to the availability of normal civil and criminal courts, a system of specialized labor courts exists to hear and adjudicate labor-related complaints. New legislation seeking to modernize and streamline the bargaining process and the internal organization of unions was introduced in the Parliament in 1988 but, pending consultations with trade union and employer organizations, it was not acted upon by year's end.

Collective bargaining is the normal means of reaching industrial relations agreements and settling disputes, and trade unions are usually vigorous in defending worker

interests in this process. Where collective bargaining fails to establish locally equitable wage levels, the Government may set up tripartite boards, i.e., including trade union representation, to determine them. Export processing zones exist at several locations in India but are not particularly active at the present time. Physical access to such zones is ordinarily limited, even to union organizers, and unions do not appear to be active within them.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by the Indian Constitution, and legislation passed in 1976 specifically bans the practice of "bonded labor." A Supreme Court decision has defined "forced labor" as work at less than the minimum wage (minimum wages are usually set by the states, not the central Government). Under this unique definition, "forced labor" is widespread throughout India, particularly in rural areas. "Bonded labor," although illegal and actively opposed by the Government, also occurs among significant numbers of agricultural and construction workers. It is the result of a private, contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt, plus extensive interest. Since most of these workers are illiterate, these bonds may continue indefinitely (especially if the contractor lends them subsequent small amounts "on account").

The Government estimates that, based on reports from the states as of March 31, there were 235,670 bonded workers in the country, of whom about 60,000 had been "rehabilitated" by government authorities. The Gandhi Peace Foundation, however, estimates the number at 10 times the government figure. Private and political critics say that government efforts to free workers from their bonds are inadequate and rarely lasting. Private social organizations, such as the Council for Advancement of Peoples' Action and Rural Technology (CAPART), and some trade unions are active in identifying cases of bondage and pursuing them with relevant (usually state) officials. Even with better coordination and greatly increased resources to overcome the complicated jurisdictional division between the state governments and the central Government, the eradication of bonded labor is likely to be slow.

d. Minimum Age for Employment of Children

It has been estimated that one-quarter of the world's child labor is attributable to India, where poverty and the lack of compulsory education make it an especially serious problem. According to a Labor Ministry survey, 1 out of 4 Indian children between the ages of 5 and 15 is working. Government statistics put the total at 17.5 million in 1985.

In 1986 legislation passed both houses of Parliament to ban the employment of children in hazardous occupations and regulate their employment in others, and in 1987 the Labor Ministry announced a crackdown in 10 of the most blatantly abused sectors. In 1988 the Parliament's Public Accounts Committee requested the Government to consult with outside experts to set up educational programs for child workers and to change parental attitudes, to carry out "exemplary punishment" of erring employers, and to harmonize the various existing legislative controls on the practice. A Small Child Labor Division within the Labor Ministry has been created.

Nevertheless, progress has been slow. Some employers of child labor have been openly defiant about continuation of the practice, and resisted attempts by the Labor Ministry at enforcement. As in the case of bonded labor, the central Government often points to the division of jurisdiction between the state governments and the central Government in dealing with the practice, and urges private organizations (including trade unions) to do more. Although almost all child labor abuses occur in sectors outside the traditional reach of labor organizations, trade unions have recently become more active in this field, often concentrating on "consciousness-raising" among women workers who work alongside their children. Despite all these efforts, enforcement of existing law appears inadequate to cope with the dimensions of the problem.

e. Acceptable Conditions of Work

The Factories Act establishes an 8-hour workday, a 48-hour workweek, and various standards for working conditions. These standards are generally enforced and accepted (indeed, improved upon by various enlightened employers and aggressive unions) in the modern industrial sectors, but are less often observed in older, smaller, and less economically robust industries.

Occupational safety and health measures also vary widely, although this is an area in which both government and trade unions have become more active. Governmental resources devoted to inspection and enforcement of standards are generally recognized to be inadequate. While the basic wage varies according to the state and sector of industry, most "organized" workers receive much more than the minimum wage, especially when legislatively mandated bonuses and other benefits are included.

IRAN*

Iran is officially an Islamic Republic under the leadership of Ayatollah Ruhollah Musavi Khomeini. Its formal system, based on the Constitution approved in 1980 by popular referendum, follows a parliamentary pattern with a legislature and a president elected from among multiple candidates by universal suffrage. However, only candidates meeting highly restrictive religious and political criteria are permitted to contest elections, and the choice offered to voters is limited. The regime continues to be dominated by a political elite composed of Shi'a Muslim clerics who support Khomeini and of laymen aligned with these clerics. The regime, however, is not monolithic, and there are major differences on theology and on economic issues such as private property ownership, government versus private control of foreign trade, industrial policy, and diplomatic strategy.

The regime's hold on power is reinforced through arrests, executions, and other forms of intimidation practiced by an extensive internal security system. Political arrests are made by members of the Revolutionary Guard or, less commonly, by members of komitehs, local neighborhood groups which have assumed a quasi-official role.

Although 10 years have passed since the ouster of the Shah in 1979 and the advent of the Islamic Revolution, the regime still considers itself revolutionary but must grapple with the need to revive the economy and operate political and social institutions, both new and old, in a productive manner. Although Iran is an oil-rich developing country, the disruptions of the revolutionary period and the burden of war have caused serious economic deterioration. Inflation and unemployment remain high, and corruption and black market activities continue to flourish.

The human rights situation continued to be affected by the Iran-Iraq war, despite the August 20 ceasefire. Apart from its toll of hundreds of thousands of casualties, the war has resulted in large-scale destruction of cities and villages and massive population displacement, and in general has had a drastic impact on the quality of life of all segments of Iranian society which will continue to be felt for many years.

Major human rights abuses continued in Iran in 1988. These included at least several hundred political executions, continuing arbitrary detentions, the repression of freedoms of speech, press, and association, and the use of torture in repressing political opposition. Amnesty International (AI), in its 1988 Report covering 1987, described many of these abuses and detailed a wide range of particularly brutal forms of torture. A variety of observers in August and September alleged widespread executions of political prisoners. In October AI reported receiving more reports of political executions in Orumieh and Tabriz and elsewhere.

In October the U.N. General Assembly published the interim report by the Special Representative of the Commission on Human Rights in the Islamic Republic of Iran. The report contains eyewitness allegations of torture and executions.

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*Because of the absence of a United States Mission in Iran, this report draws heavily on unofficial sources.

IRAN

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Reliable statistics were not available on the number of people killed for political or religious reasons in 1988. Because of the lack of basic procedural safeguards for defendants tried in revolutionary courts, which handle virtually all political cases, most of the executions ordered each year by such courts amount to summary executions. It is also difficult to separate cases of executions for participation in violent activities or narcotics trafficking from executions based purely on the defendants' beliefs, statements, and associations, given the regime's practice of cloaking the latter category with charges from the former.

Following their capture during an Iraqi-supported offensive into Iran in August, some members of the Iraqi-based National Liberation Army, the military wing of the Mojahedin, were executed along with some of their supporters.

AI, in an Urgent Action memorandum dated November 8, reported "substantial numbers of political executions in Iran in the last 3 months...Some opposition groups put the figure at over 2,000," while others put the figure in the hundreds. In December AI published a report alleging the execution of more than 300 people since July, but said the true death toll could number in the thousands. Exact figures, however, cannot be determined.

According to the United Nations Human Rights Commission Special Representative, many opponents of the regime were executed during July, August, and September, including members of the Tudeh Party, the People's Fedayeen Organization, the National Liberation Army, and collaborators with the People's Mojahedin Organization. Many were publicly hanged in cities throughout Iran. AI's December report stated that opposition activists were killed secretly in prisons throughout Iran.

Political violence was also perpetrated by opposition groups, including the Mojahedin-e-Khalq, still the most active antiregime organization in Iran. The Mojahedin organization continues its attacks and operations in Iran against Revolutionary Guards, clergy, and members of the Government.

b. Disappearance

No information is available on the number of disappearances in 1988.

Although there are some cases of long-term disappearance, most disappearances are seldom permanent. People are arbitrarily arrested or carried off, held without charge, and some are summarily executed; the society, however, is not tightly controlled, so a persistent relative can usually determine who was responsible for the arrest and locate the detainee.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Stories of torture in Iran's prisons are rampant and cover a wide range of inhuman practices. According to various sources, mock executions are a common method of torture, as are threats of sexual abuse of female prisoners and female relatives of male prisoners. Beatings of all kinds appear to be common. Allegedly, prisoners are flogged on the soles of their feet until they can no longer walk; others have had damaged kidneys as a result of being kicked and beaten. Former Iraqi prisoners in Iran's prisoner-of-war camps have reported that Iran subjects prisoners to whippings, random executions, and psychological torture.

Torture apparently takes place in government prisons or in government houses in which prisoners of special interest are held for questioning. Presumably it takes place with the sanction of top officials. The U.N. Special Representative cited tortures such as rape, beating by several guards at once, threats against prisoners' families, and forcing relatives or other prisoners to watch torture.

In its 1987 Report, "Torture in the Eighties," AI expressed concern that torture has become a routine practice in at least some Iranian prisons. In its 1988 Report, covering 1987, AI reported that torture of political prisoners remained widespread and that thousands of people were subjected to lashings and other punishments which constitute torture, or cruel, inhuman, or degrading treatment.

d. Arbitrary Arrest, Detention, or Exile

Although arrests for expression of views critical of or different from those of the Government have decreased during the past several years, opposition to the regime itself or to an Islamic form of government still may lead to arbitrary detention. If there is a formal accusation, the charge is usually subversion, antiregime activities, or treason.

There is also evidence that some persons are arrested on trumped-up criminal charges (for example, on drug charges) when their actual "offenses" are political; the lack of fair trials and other procedural safeguards encourage such a practice.

No judicial determination of the legality of detention exists in Iranian law. AI notes that there is no legal time limit on incommunicado detention. Suspects are held for questioning at local Revolutionary Guard offices or in jails. In some cases an Islamic clergyman is involved; in others, unidentified questioners, sometimes including torturers. It is unclear whether this questioning constitutes a trial by a revolutionary court or whether it is part of the investigation process. Sometimes defendants are released after several hours or days, but the process may be repeated two or three times before the authorities decide that the detainee is innocent or that he is guilty and should be jailed. Time spent in detention does not count toward fulfilling prison sentences.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Most of those arrested have a trial of some sort, and although trials of major opposition figures have sometimes been telecast, no trial by a revolutionary court can be called fair or public. If the trial is given publicity, it is generally because the prisoner has already been forced to confess to crimes.

In his 1988 Report, the U.N. Special Representative noted that individuals he interviewed described their trial in prison as an "extremely summary proceeding" lasting a few minutes. None of the persons had access to a defense lawyer and there was no appeal process. Some of those sentenced were imprisoned beyond the limit of their sentence, in one case 3 years beyond it.

Restraints on arbitrary actions of the revolutionary courts were reportedly severely weakened in 1985 by a government decision to limit the review authority of the Supreme Court. Formerly, all cases decided by the revolutionary courts were subject to review by the Supreme Court, permitting improper decisions to be overturned. But under the 1985 decision the Supreme Court can examine only those cases which are recommended for review by the Supreme Judicial Council, which consists of the Chief Justice, the Prosecutor General, and three mullahs.

The judicial system is further weakened by the fact that revolutionary courts can consider cases formally under the jurisdiction of the civil and criminal courts. Assignment of cases to regular rather than revolutionary courts is haphazard and apparently occurs mainly when arrests are made by regular police. Revolutionary courts can also overturn the decisions of civilian courts.

For common criminal offenses, many elements of the prerevolutionary judicial system survive, and the accused often have the right to a public trial with benefit of lawyers of their own choosing, assuming they can afford the fee. Even this judiciary is not fully independent, however. Many of the former judges were retired after the revolution, and new judges selected. One criterion for new judges is grounding in Islamic law, and political acceptability is a requirement for any government position. Favorable verdicts reportedly can often be "purchased" from the judges serving on civil and criminal courts and to a lesser degree from judges of the revolutionary courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government is attempting to remake Iranian society according to Khomeini's interpretation of Shi'a Islam. It rejects the Western distinction between a public sphere which the Government may control and a sphere of private life (religion, culture, thought, and private behavior) which the State may not properly control. The regime defines itself as Islamic and attempts to enforce a way of life asserted to be Islamic.

Since Khomeini's eight-point decree of December 1982, Iranians have enjoyed somewhat greater freedom in their private lives. One of the eight points provided that no one had the right to enter private homes without a warrant. An exception was made

for suspected hideouts of opposition groups. The decree did say that if Revolutionary Guards entered a home believing it to be an opposition hideout and found they had made a mistake, they were to depart, even if they had found evidence of un-Islamic activities such as the presence of alcoholic beverages. The decree also stated that mail should not be opened or telephones tapped unless there was good reason to suspect antiregime activities.

While homes are still entered, mail opened, and phones tapped, these violations continue to occur less frequently than in the years before 1982. A Headquarters for the Enforcement of the Imam's Decree was set up, as were a number of provincial and local offices. These offices are said to have received thousands of complaints about violations of rights of privacy.

Special Revolutionary Guard units and neighborhood Komitehs check on social activities. Women whose clothing does not completely cover the hair and all of the body except hands and face, or who wear makeup, are subject to arrest. In 1988, however, enforcement of Islamic morality, including of rules governing dress and appearance, became somewhat more lax.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution states that "publications and the press may express ideas freely, except when they are contrary to Islamic principles, or are detrimental to public rights." In practice, most publications are controlled by the Government; independent publishers run the risk not only of press shutdowns and confiscation of publications and equipment but of arrest and summary punishment if they are overly critical of the regime. Examples of such punishments were sufficiently numerous in past years to have a chilling effect.

All books must be submitted to the Ministry of Islamic Guidance for censorship before they can be published. Publishers, authors, and printers also engage in substantial "self-censorship" before submitting books to the Ministry in an effort to avoid the substantial penalties, including economic losses, incurred when books are rejected.

While there are competing newspapers in Iran, and officials and government policies are often subjected to public criticism, newspapers are forbidden to criticize Khomeini and the concept of the Islamic republic, or to support the right of self- determination for any ethnic groups in Iran. Nevertheless, some independent publishers out of favor with the regime continue to survive, and some books and pamphlets critical of the regime are published without reprisal. Foreign books, newspapers, and magazines may be imported only after review.

All broadcasting facilities are government owned.

There has been greater academic freedom in the last several years, and universities operate under looser constraints. For example, the Islamic credentials of applicants for university posts are not rigorously checked as they have been in the past. Course content is still monitored by on-campus informers, however, and genuine critical debates are impossible. To secure permanent employment, professors reportedly must build a record of cooperation with government

authorities over several years. As part of the admissions process, all Muslim students must pass examinations that demonstrate knowledge of the Koran and Islamic precepts. The relatively few Jews and Christians who enter universities reportedly must pass tests demonstrating knowledge of their respective religions. All textbooks are reviewed by government authorities to determine their acceptability.

b. Freedom of Peaceful Assembly and Association

Although the Constitution permits unarmed assemblies and marches "provided they do not violate the principles of Islam," the only ones permitted in practice are those sponsored by the Government, such as Friday prayers and sermons and parades on official occasions.

The Constitution permits political parties, groups, professional associations, and both Islamic and minority religious associations, but most independent organizations have either been banned, co-opted by the Government, or are moribund. Restrictions on freedom of speech and assembly discouraged the participation in the 1984 parliamentary elections of any party other than the semiofficial Islamic Republican Party (IRP), now also defunct. In December the Ministry of Interior announced that political parties would be allowed to form soon, provided they meet the regime's religious and political criteria.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Iran terms itself an Islamic republic, and religion is closely intertwined with government. Grand Ayatollah Khomeini is recognized as the supreme leader, and this position is viewed as having something akin to divine sanction. The President and many other top officials are mullahs (religious leaders), as are the Speaker of the Parliament and nearly half the Parliament deputies.

Approximately 90 percent of Iranians are Shi'a Muslims. Aside from slightly over 1 percent who are non-Muslims (Baha'is, Christians, Zoroastrians, and Jews), the rest are Sunni Muslims. The Sunnis are mostly Kurds, Arabs, Turkomans, Baluch, and other ethnic minorities. Their political influence is very limited. The Constitution declares that "the official religion of Iran is Islam and the sect followed is Ja'fari Shi'ism," but it also states that "other Islamic denominations shall enjoy complete respect." Although Sunnis have encountered religious discrimination on the local level, the regime has made efforts to reduce Shi'a-Sunni antagonism.

Tests of Islamic knowledge and orthodoxy, required in the early postrevolutionary years for public or semipublic employment, have been dropped on the grounds that they conflict with the constitutional provision that "the interrogation of people regarding their beliefs is forbidden." This provision is ignored, however, in the treatment of members of the Baha'i faith.

The Baha'i religion, an offshoot of Islam, is considered a "misguided sect" by the authorities, and is not officially recognized. Since the revolution the Baha'is, Iran's largest

non-Muslim minority (300,000-350,000 members), have suffered severe persecution, mainly government-directed and aimed at the religious leadership.

In 1983 the Prosecutor General issued an order that effectively banned all Baha'i religious activity and provided the legal foundation on which virtually all members of the faith can be charged with crimes. Baha'i property has been confiscated, shrines demolished, businesses disbanded or confiscated, and known Baha'is denied public-sector employment and social services. Baha'i marriages are not recognized. Participation by Baha'is in social welfare organizations is forbidden, their businesses are outlawed, and teaching of the faith is not permitted. In 1988 the U.N. Special Representative noted that Baha'is with whom he spoke cited "denial of means of subsistence and of access to higher education" as the most common form of harassment. Although the Baha'i national leaders dissolved the community's organizations in obedience to the Prosecutor General's edict, they subsequently were arrested, and at least some were executed. Many ordinary Baha'is also have been arrested on vague charges.

According to the National Spiritual Assembly of Baha'is of the United States, however, the situation of Baha'is improved somewhat during 1988. No Baha'is have been arrested since February. In addition, the number of Baha'is held in prison was reduced, from roughly 200 in late 1987 to about 129 in 1988. There have been no recent reports of torture of Baha'is. A small number of Bahai's have been issued visas to leave the country. Some Baha'i property confiscated by the Government was returned, although the amount represents a small part of the total seized. Some Baha'i students who had been expelled were allowed to resume their studies. The UNHRC Special Representative reported that persons to whom he spoke said the intensity of the campaign of persecution "had somewhat diminished in the first half of 1988."

It is too early to tell whether this improvement represents a temporary lull or reflects a permanent change in government policy. However, it is clear that the Government has not abandoned its anti-Baha'i policies; widespread discrimination against, and persecution of, the community persists.

The small Christian, Jewish, and Zoroastrian (the pre-Islamic religion of Iran) populations are concentrated mainly in urban areas. Their religions are recognized by the Constitution, and they elect representatives to seats reserved for them in the Parliament. They are permitted to practice their religions, to instruct their children, and--although with a great deal of disruptive interference--to maintain schools.

There continue to be reports of officially sanctioned discrimination against these minorities, particularly in the areas of employment and public accommodations, and of severe discrimination by the Government against Muslims who have converted to Christianity. Other reports indicate growing religious tolerance and readiness to accept employment of minorities in the professions. Nevertheless, Christians are sometimes suspected of harboring sympathies with Western powers, while Jews are seen as pro-Israeli and therefore a possible fifth column against Islam and Iran.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iranians may travel to any part of Iran, except for the war zone on the border with Iraq and, in times of heavy fighting, some Kurdish areas. Such limitations are for purposes of military security. Persons may change their place of residence without obtaining permission.

Travel outside Iran is considerably easier now than before the spring of 1983. Khomeini's decree of December 1982 included the right to travel abroad. Prior to that time passports and exit visas had been difficult to obtain. However, there are indications that in 1988 airport departure procedures were tightened, while the exit tax was increased sharply.

Males of draft age are not issued exit visas except for approved courses of study, and Iranians who are suspect politically, such as some retired military officers and high level public officials under the former regime, may not be able to leave. Persons who have not repaid loans obtained from development banks under the old regime also are denied exit visas. Reportedly some Iranians, particularly those with skills in short supply and who were educated at government expense, are required to post bonds to obtain exit visas.

Jewish Iranians are permitted to obtain passports and to travel, but they are normally denied the multiple-exit visas given to most Iranians and must make a fresh application (with a fresh fee) for each planned trip. Permission is not normally granted for all members of a Jewish family to travel outside Iran at the same time.

With the exception of some with close ties to the former regime, Iranians are generally able to return after long periods abroad without reprisal. Not all citizens who leave, however, are guaranteed the right to return. Iranians suspected of close association with the old regime have encountered problems obtaining new passports, and there have been unconfirmed reports of arrests on their return.

However, numerous other immediate relatives of persons wanted by the regime seem able to live in Iran, travel outside, and return without undue difficulty, and in recent years many who fled at the time of the revolution have returned and have sought, through the Iranian judicial system, the return of their properties.

Iranian passports have always been stamped "not valid for emigration," but the Government does not make a clear distinction between legal residence in another country and emigration. According to the regulations, Iranians with a legal residence outside Iran may be issued passports and advance exit visas by the Iranian embassy, consulate, or interests section in their country of residence. Iranians who have acquired U.S. citizenship are considered Iranian (in effect dual nationals) unless they have formally renounced their Iranian citizenship in accordance with Iranian law.

Dual nationals have complained that the Iranian Interests Section in Washington will neither give them visas in their U.S. passports nor issue them Iranian passports and exit visas on the grounds that their residence in the U.S. is not legal because, according to Iranian law, they emigrated illegally.

Although such services may be denied, there are no known instances of the denial of Iranian citizenship to Iranians who left Iran, or to those who have remained there.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Iran is ruled by a group of religious leaders and their lay associates who share a belief in Ayatollah Khomeini as the supreme leader of the revolution and in the legitimacy and desirability of a theocratic state based on his interpretation of Shi'a Islam. Citizens are not free to question or to change this theocratic form of government. The only political party represented in the Government--the Islamic Republican Party (IRP)--was disbanded in June 1987 at the request of President Ali Khamene'i (IRP Secretary General) and Parliament Speaker Ali Akbar Hashemi-Rafsanjani, and with the consent of Ayatollah Khomenini.

Beginning a year after the Shah's departure, the revolutionary regime has held elections at fairly regular intervals for president, Parliament deputies, members of the Council of Experts (responsible for choosing Khomeini's successor), and members of local government councils. All elections have been hard fought, generally with several candidates for every position. All candidates must be approved by the Council of Guardians, however, and only those meeting the Council's vaguely described political and religious criteria may run. In practice, only supporters of the theocratic state are accepted. There has, however, been considerable diversity of opinion among candidates on economic and social questions.

Parliamentary elections took place in April but were marred by charges of vote rigging. New elections for some contested seats took place in October.

The independence of the Parliament is enshrined in the Constitution and exists to a large degree in practice. At least three women serve as deputies in the Parliament. While Parliament deputies are typically allied with various powerful political and religious officials, they may speak and vote independently and may shift from one faction to another. Vigorous parliamentary debates--normally covered extensively in the press--cover a wide variety of issues but not central issues such as the war or the fundamental character of the Islamic Republic. Criticism of government officials is often aired in these debates; in some cases, laws proposed by the executive branch have been voted down.

The Constitution provides for a Council of Guardians composed of 12 members: 6 clerics unilaterally appointed by Khomeini, and 6 lay members well-grounded in Islamic law who are nominated by the head of the Judicial Council subject to the Parliament's approval. The Council of Guardians must certify all bills passed by the Parliament as being in accordance with Islamic law and the Constitution. If bills fail to be certified, they are sent back to the Parliament for revision. They cannot become law until passed by the Parliament and certified by the Council.

The Council has rejected various important bills and portions of bills passed by the Parliament, including legislation on land reform, foreign trade, private enterprise, the press code, and reform of the civil code.

IRAN

In February Khomeini ordered the formation of an Expediency Discernment Council to decide on the final disposition of bills on which the Parliament and Council of Guardians are unable to reach agreement. Its 13 members comprise the 6 clerics of the Council of Guardians plus 7 other regime leaders.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The regime in Iran is disdainful of foreign human rights groups, government-sponsored or independent, and regards them as a Western means of interfering in the country's internal affairs. Since 1984, the Government has refused to allow a U.N. Human Rights Commission special representative to enter Iran to prepare his reports and has not commented on human rights violations submitted for consideration. There are no internal human rights groups.

In October 1986, the Government announced that the International Committee of the Red Cross (ICRC) would be permitted to visit Prisoner of War (POW) camps. Since November 1986, the ICRC has been visiting camps and interviewing prisoners. It has assisted in several POW exchanges between Iran and Iraq and its officials are active in arranging the exchange of POW's envisioned by U.N. Security Council Resolution 598, which provides the framework for a negotiated end to the war.

In its 1988 Report, AI reported that it had intervened repeatedly with Iranian authorities in 1987 to urge the release of certain prisoners, fair trials within a reasonable time for all political prisoners, and an end to torture and the death penalty. It said that the Government had failed to provide any substantive response and continued to assert only that there were no political prisoners or torture in Iran.

The U.N. Special Representative, in his interim report of October, "expressed his belief that acts continued to occur in Iran that were inconsistent with international instruments to which the Government was bound...It appears that the persistence of allleged violations of human rights,...in particular, the recent reports of a renewed wave of executions...suffices to justify international concern and the need for competent U.N. organs to continue monitoring the situation in that country." By the end of 1988, the Government had not responded publicly to the report, but various officials have denied charges that a series of executions has taken place.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Always the object of discriminatory practices in Iran's conservative society, women have faced even more discrimination since the Revolution. Ultraconservative dress, entirely hiding the hair and all of the body except the face and hands, is a requirement for all women, regardless of their religion, national origin, citizenship, or diplomatic status. In the past, women have been harassed, detained, or physically attacked if they appeared in public in clothing which official or self-appointed guardians of public morality deemed

insufficiently modest. However, as noted in Section 1.f., women in 1988 seem to be enjoying somewhat greater freedom in dress and appearance.

Employment opportunities for women are more restricted than was the case under the Shah. Women are legally barred from being judges. Although there are cultural barriers making employment in professional-level positions difficult to obtain, women do work as lawyers, physicians, and statisticians, and in other professions in both the public and private sectors. Two women serve as deputies in the Parliament.

The Family Protection Act, passed under the Shah, was revoked by the Islamic Government and replaced by a civil code reflecting Islamic law. A bill passed in mid-1983 did give women the right to divorce their husbands, and regulations announced in 1984 substantially broadened to 12 the number of grounds for which a woman may seek divorce. A husband may obtain a divorce without having to state a reason or go to court. The new marriage regulations provide for improved financial settlements for wives whose husbands divorce them. As noted in Section 2.c., the Christian, Jewish, Zoroastrian, and Baha'i minorities suffer varying degrees of officially sanctioned discrimination in a number of areas, particularly with respect to employment and public accommodations. Muslims who have converted to Christianity are similarly discriminated against.

Section 6 Worker Rights

a. The Right of Association

There were until recently no legal labor unions, although some unauthorized unions had been organized and were active. However, a new national labor union, the Islamic Union, reportedly was created in late 1985 under a law enacted by the Parliament. All economic concerns with a minimum of 50 employees are permitted to have a branch of the new union, whose proclaimed goal is to protect workers' interests and further their professional development. Nominally independent, it is in fact controlled by the Labor Ministry. Union employees have little real control over its operations.

It is also believed that there are officially sanctioned "Islamic workers councils" in some factories. These too, however, are more instruments of government control than bodies created and controlled by workers to advance their own interests, although they have frequently been able to block layoffs or firings of workers.

b. The Right to Organize and Bargain Collectively

In practice, the right of workers to organize independently and bargain collectively is extremely limited.

It is not known whether labor legislation and practice are uniform throughout the country, including the export processing zones.

c. Prohibition of Forced or Compulsory Labor

Information as to whether forced or compulsory labor is used in Iran is unavailable.

d. Minimum Age for Employment of Children

Iranian labor law, which exempts agriculture, domestic service, family businesses, and, to some extent, other small businesses, forbids employment of minors under 12 years and places special restrictions on the employment of minors under 18. In addition, women and minors may not be used for hard labor or, in general, for night work.

e. Acceptable Conditions of Work

The labor law establishes a 6-day workweek of 48 hours maximum (except for overtime at premium rates), with 1 day of rest (normally Friday) per week as well as at least 12 days per year of leave with pay and a number of paid public holidays. There are also legal provisions with respect to minimum wages and health and safety in workplaces.

Given the large segments of the economy exempted from the labor law, the State's still unresolved administrative disorganization resulting from the revolution, the effects of the war with Iraq, and the general lack of labor unions which are both legal and effective, it is unclear to what extent the provisions of Iran's labor law actually affect most of the labor force.

IRAQ

Iraq is in effect a one-party state governed by the Arab Ba'ath Socialist Party (ABSP) through a Revolutionary Command Council (RCC) which has both executive and legislative authority under the provisional Constitution of 1968. Saddam Hussein holds decisive power as President of the Republic, Chairman of the Council, and Secretary General of the Regional Command of the ABSP. Two other legal parties are essentially support groups for the Government.

Iraq's population comprises many disparate groups, most notably Shi'a and Sunni Muslim Arabs, Kurds, Turcomans, and various Christian sects, predominantly Assyrians and Chaldeans.

Iraq's military is large and well trained, and parts of it have security responsibilities, notably the Fursan, or Kurdish tribal levies, which have responsibility for security within the Kurdish Autonomous Region. The national police is responsible for civil order. In addition, Iraq's intelligence services are widely feared, and have engaged in extensive surveillance and extralegal means to deal with antiregime activity, including torture and summary execution.

The Government exerts a high level of control over the economy, which is dominated by the petroleum sector. The state owns all major industries, including petroleum and banking. In agriculture, tourism, the services industry, and light industry, the Government is engaged in a program of divestiture and privatization. Close government regulation of economic activity will be maintained, but the Government is trying to attract investor capital and expertise in the operation of the economy.

Iraq's abysmal human rights record remained unacceptable in 1988. Political and individual rights continued to be sharply limited, and the news media remained largely under government control and subject to censorship. In addition to repressive domestic controls that predate the war with Iran, tight wartime controls remained in effect after the cease-fire. These included a decree which prescribes the death penalty for anyone who damages the country's military, political, or economic position. Wartime travel restrictions, which prevent most Iraqis from departing the country, also remained in force.

Most significant in 1988 were the grave human rights violations that occurred when the Iraqi armed forces moved to crush a longstanding Kurdish rebellion after the August 20 cease-fire with Iran. The campaign was marked by the use of chemical weapons against guerrillas and civilians alike. It marked an intensification of the program begun in 1987 to destroy villages and hamlets in Kurdish areas of northern Iraq, and to relocate approximately half a million Kurdish and Assyrian villagers to more easily controlled towns and cities. In addition, there are unconfirmed reports that tens of thousands of Kurds have been removed from their homes to camps located outside traditional Kurdish areas of northern Iraq.

IRAQ

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Execution has for years been an established method for dealing with perceived political and military opponents of the Government, particularly members of the outlawed Da'wa Organization (an Iran-supported fundamentalist Shi'a Muslim group that has engaged in acts of international terrorism). The Government has been accused of murdering Iraqi political opponents in the United Kingdom and Sudan; in the case of Sudan, the victim was a leader of the opposition Supreme Assembly of the Islamic Revolution in Iraq, based in Tehran and closely linked to the Da'wa Organization.

The Government's intensified efforts to crush a Kurdish rebellion in northern Iraq resulted in approximately 8,000 deaths, many of them civilians, according to Kurdish sources. The Iraqi armed forces made extensive unlawful use of chemical weapons against both military and civilian targets in Iran and Iraqi Kurdistan. In the course of a March 16 battle between Iraqi forces and Iranian Revolutionary Guards in and near the Kurdish city of Halabja in northern Iraq, an estimated 600 to 3,000 civilians were killed by Iraqi chemical weapons. The United States condemned Iraq's action as a particularly grave violation of the 1925 Geneva Protocol on chemical weapons, to which Iraq is a party, while noting that Iran also appears to have employed chemical weapons in the same battle. Several international teams, including a U.N. team and a team of Belgian doctors, confirmed the use of chemical weapons in this battle. Twice in 1988 the U.N. Security Council condemned use of chemical weapons in the Iran-Iraq War.

With the cessation of hostilities between Iran and Iraq in August, the Iraqi armed forces launched an offensive against Kurdish rebel forces. Combat troops from the Iranian front carried the battle to villages, which they claimed rebels were using for sanctuary.

On several days in August, chemical weapons were used in this campaign. Immediately thereafter, at least 60,000 Kurds fled across the border into Turkey. On September 8, the U.S. Department of State announced that it had conclusive evidence that Iraqi forces used chemical weapons unlawfully against Kurds and condemned its use. Since then, several groups, including a U.S. Senate staff delegation, Physicians for Human Rights, and a British laboratory that analyzed soil samples, confirmed Iraq's use of chemical weapons in this campaign. The Iraqis have denied using chemical weapons against Kurds.

In its 1988 Report, covering 1987, Amnesty International (AI) noted that at least 17 Kurdish children aged 14 to 17 were executed in November and December 1987. AI also reported the poisoning of Kurdish opponents in November 1987 by security forces.

b. Disappearance

Iraqi emigrants have reported that some persons, particularly those detained by the security police for subversion, disappear following detention. Kurdish rebels in northern Iraq have occasionally kidnaped foreign workers and businessmen. In its

1988 Report, AI noted that the "disappearance" of large numbers of people continued to be widely reported, and that many of them were feared to have been executed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and prescribes stiff punishment for it, and the Government rejects charges that it practices torture. Nevertheless, reliable reports make clear that both physical and psychological torture are used by the authorities, especially the security police. Given the rigid chain of command within the Government and security services, torture could not be practiced without the authorization of senior officials.

According to emigre groups and former prisoners, persons detained by the security police for political or security-related matters are frequently tortured and mistreated. Treatment is reported to be worst immediately following arrest and during the period of interrogation and investigation, which can last for months. Torture and brutal treatment are not limited to political cases. Security-related offenses are broadly defined to include such routine criminal matters as currency violations.

The security forces' methods of torture, often employed to extract confessions or information about the suspect and his colleagues, reportedly include beatings with fists and rubber truncheons, electrical shocks to the genitals and other parts of the body, and the extraction of fingernails and toenails, as well as psychological torture. AI has reported that over the years the Government had denied allegations of torture even when the allegations were supported by detailed medical evidence and that the Government had also failed to show that such allegations were ever investigated or that any perpetrators were brought to justice. In its 1988 Report, AI noted that the routine use of torture by the security forces continued to be widely reported. It said that the victims included political prisoners, and cited a report that the bodies of 29 youths--who allegedly had been tortured shortly before being executed without trial in January 1987--were returned to their families bearing marks of torture. They had been among 300 Kurdish children and young people arrested in 1985.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and legal code provide for the rights of citizens and place checks on police powers in such areas as arrest, detention, imprisonment, and search. These provisions are generally respected in ordinary criminal cases, but have little weight in political or national security cases. Security police not only make arbitrary arrests but also secretly detain suspects, whose fate sometimes becomes known only after they have been executed. Security charges have included espionage, treason, and conspiracy against Iraq, often in collaboration with unnamed foreign foes.

As part of its campaign to eliminate the Kurdish rebellion and to clear a security zone along its northern border, the Government continued the policy of relocating, sometimes forcibly, several hundred thousand Kurds. While most were moved to or near Kurdish towns and cities south of the mountains, there are unconfirmed reports that others were

exiled to non-Kurdish parts of the country. The campaign involved widespread destruction of Kurdish villages, and some Turcoman and Christian villages near the front lines.

In the past, Iraq has expelled to Iran large numbers of Iranians and Iraqis of supposed Iranian descent. These deportations ceased in the early 1980's; however, most of the few remaining Iranians have been imprisoned or live under the fear of deportation or incarceration. Spouses of Iraqis of Iranian origin are required to obtain a divorce or suffer the same consequences. Moreover, other Iraqis, whose grandparents are shown not to be of Iraqi origin, are subject to arbitrary detention and deportation. Assyrian religious groups in the United States alleged in 1987 that many Iraqi Assyrians were expelled to Turkey under this rule.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Iraq's legal system provides for investigation by police and then by an inquiry judge who may refer a case to the criminal court. A judge tries criminal cases; there is no jury. Convictions may be appealed to a court of cassation or, in the case of major crimes, the High Court of Appeals.

Trials of nonsecurity cases are held in civil, criminal, and religious courts and are open. Defendants are entitled to counsel. A lawyer is provided if a defendant cannot afford one. Charges and evidence are available for review. Appellate Courts hear cases not under the jurisdiction of the Revolutionary Courts. The Revolutionary Courts, which usually hold closed trials, deal with espionage, treason, smuggling, and drug trafficking. The right of defense in such courts is reportedly severely restricted.

The "special courts" constituted by the RCC for specific incidents, such as the reported conspiracy against the regime in 1979, are also closed. These special tribunals are apparently exempt from constitutional safeguards of defendants' rights; defendants are held incommunicado, and confessions extracted by torture are used. Appeals can be taken only to the Chairman of the RCC. However, the practical availability of this appeal is open to question, since there are reports that executions take place shortly after trial.

Political dissidence in Iraq is taken by the authorities to encompass a wide range of activities and, in an environment where public acknowledgment of arrest or imprisonment is rare, it is extremely difficult to estimate the number of political prisoners. In its 1988 Report, AI noted that "thousands of political prisoners" continued to be arbitrarily arrested and detained.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides protections for the inviolability of the home, and strong cultural values reinforce these protections. Police must obtain a search warrant before entering the home of a criminal suspect. However, warrants are not required for the arrest of security suspects. Although most arrests occur outside the home, there have been reports of forced entry and arrest by the security police, particularly of suspected members of the outlawed Da'wa

Organization. As their campaign against Kurdish rebels intensified, government forces conducted large-scale searches of homes in Kurdish towns, and arrested and relocated large numbers of people.

There is no legal protection against the monitoring of telephones, which many Iraqis believe to be a common practice. All mail is believed subject to review by censors. The security services and the Ba'ath Party are generally assumed to maintain pervasive networks of informers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are not respected. The Constitution prohibits "any act aimed at undermining the national unity of the people, provoking racial, sectarian, and regional bigotry, or violating gains and achievements of the country," and the Government views political dissent as a security threat and strictly controls speech, all information media, and assembly. The Government owns and operates the press, radio, and television. The media do not criticize the Government, and news reporting is strongly biased. Opposition viewpoints are not heard. Few foreign periodicals reach Iraq, and Western newspapers are not sold. Foreign visitors' magazines, newspapers, cassettes, cameras, and video cassettes may be confiscated at the airport. To control the dissemination of political leaflets, typewriters and photocopying machines must be registered. Taking photographs of military installations, government buildings, or areas near sensitive locations is forbidden and punishable by imprisonment. Journalists and photographers visiting Iraq at the invitation of the Government are required to present film taken in Iraq for inspection by the authorities.

b. Freedom of Peaceful Assembly and Association

These freedoms are severely limited. Public meetings may only be organized under the auspices of the Government or the Ba'ath Party. Association for nonreligious purposes and demonstrations without government approval have met with severe repression. Professional organizations are subject to control by the Ba'ath Party Central Vocational Bureau.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Iraq is an ethnically and religiously diverse society. However, many non-Muslims, principally Jews and Christians, left Iraq under previous regimes. Since its rise to power in 1968, the Ba'athist Government, while carefully controlling religious groups, has enforced tolerance of religious diversity, seeking to submerge religious differences in the promotion of secular nationalism. A 1981 law gave the Ministry of Endowments and Religious Affairs the authority to promulgate laws and regulations governing places of worship, appointment of clergy, religious literature, and participation in religious councils and meetings. Muslim religious leaders operate under close government supervision, are considered government employees, and receive their salaries through the Government. The Government administers the principal Muslim shrines and mosques and has increased allotments to refurbish

and maintain them in an apparent attempt to win support from the devout.

While the Government has assumed much greater authority in Islamic religious affairs since 1981, the law has not been invoked against Iraq's Christian sects. Iraq's Christians number more than 500,000 and constitute nearly 4 percent of the population. Their freedom of worship in churches of established denominations is legally protected, but they are not permitted to proselytize or to hold meetings outside church premises. Convents and monasteries exist, and some new churches have been constructed, in some cases with government financial support. The Jewish community is believed to have decreased from 150,000 following World War II to under 400. It was severely persecuted in the past, but there is no evidence of recent persecution. One synagogue in Baghdad still functions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iraqis are generally free to travel within the country and to change their residences or workplaces. However they are likely to be constrained by social, cultural, and religious traditions which define the areas occupied by the various ethnic and religious groups. Sensitive border and other security areas are off-limits. Civilian travel in the war zone is restricted. Curfews are in effect where Kurdish insurgents have been active. There are police checkpoints on highways and outside major towns, but most Iraqis and foreigners travel freely in nonrestricted areas.

The Government's harsh campaign to suppress Kurdish rebels, involving mass relocations of Kurdish villagers, has nullified the right of hundreds of thousands of Kurds to choose their place of residence. An estimated 250,000 to 300,000 Kurdish villagers were forcibly relocated in 1988; since the Government began its program of forced relocation in 1987, an estimated 500,000 people have been uprooted. Since traditional Kurdish culture has been deeply embedded in the rural village, the forced removals and razing of villages has had a destructive impact on the lives of some half a million Kurds.

All Iraqis and most foreigners who remain in the country for more than 2 weeks must obtain exit permission. Travel has been even further limited since September 1986 when severe restrictions on currency exchange were imposed. Because of the war's drain on the economy, permission to travel abroad is restricted to a few categories of Iraqis, including officials, government-approved students, and persons needing medical treatment. While permission for medical treatment abroad may be granted, permission to transfer hard currency abroad to pay for it usually is not. The Government seeks to limit the countries an Iraqi traveler may visit and, should the traveler visit a nonauthorized country, a small fine may be levied upon his return. Iraqis who have residences abroad may depart the country provided they originally had left before the war began. In general, a married woman must have the permission of her husband to travel abroad.

The Government can require a prospective traveler to post a substantial bond to assure return. The RCC decreed in 1987 that Iraqi students abroad who refuse to return to Iraq must reimburse the Government for all education received in Iraq or abroad at government expense. The resolution is applicable

retroactively to students who have refused to return since May 16, 1983, the day the Government began requiring those employees who left government jobs before completing the required 20 years of work to reimburse the State for the cost of their education. Amounts due can be recovered by confiscation; nonpayment may result in imprisonment. Each student must provide a guarantor before traveling abroad. This guarantor and the student's parents may be held liable if the student fails to return.

There is no specific ban on emigration or special restrictions for members of minority groups; however, emigration is discouraged. For the past several years, almost all of those given permission to emigrate have been spouses of foreign nationals. Prospective emigrants have had travel permission delayed and have been harassed. Many emigrants leave behind substantial property because of the difficulty of exporting assets. Currency exchange violations are considered national security offenses, and penalties can be severe.

Alien spouses of Iraqi citizens who have resided in Iraq for at least 5 years are required to become naturalized or leave Iraq. Many people, including several Americans, have thus been obliged to accept Iraqi citizenship and are therefore subject to the present travel restrictions. In March 1984, a resolution by the RCC reduced the residency period before naturalization to 1 year for the spouses of Iraqi citizens employed in government offices. The Iraqi spouse faces penalties for noncompliance, including loss of job, a fine of approximately $10,000, and repayment of the costs of education. Iraq does not recognize the concept of dual nationality, and many Iraqi "dual nationals," especially the children of an Iraqi father and a mother of non-Iraqi birth, have been denied permission to leave Iraq to visit the country of their other nationality.

In recent years, the Government has instituted special programs to encourage the repatriation of qualified professionals. Aliens of Iraqi origin can apply for a document permitting them to enter and exit from Iraq without a visa. Former Iraqis can more easily obtain visitors' visas than can other aliens, who generally must have a sponsor.

Other persons of Iraqi origin are permitted to return, including many persons who were admitted to other countries as refugees. A number of such people, especially Assyrian Christians, have returned on temporary visits. They are free to come and go, within the limits of the present travel restrictions, since they are not considered to have violated Iraqi laws. However, those who emigrated only after the beginning of the Iran-Iraq War, including several U.S. permanent resident aliens, have been unable to depart Iraq after returning. AI reports that in November 1987 the Government declared an amnesty "for Iraqis living abroad who had been convicted or suspected of political or criminal offenses. It was not known whether anyone took advantage of it." In September the Government announced an amnesty for Kurds who fled the country during the August campaign. Approximately 1,400 returned from refugee camps in Turkey.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government in Iraq. The Ba'ath Party, whose limited membership is dominated

by the President and the party's Regional Command, rules Iraq. The party reportedly has some 1.5 million adherents, representing about 10 percent of the population; but only some 50,000 "active" or full members, less than 0.33 percent of the population, participate influentially in party activities. There are two other legal political parties, both Kurdish. They and the Ba'ath Party constitute the Patriotic and Progressive National Front, essentially a vehicle of support for the Government. The two minor parties carry on only limited activity. Members of the military or security services may engage in political activities only within the Ba'ath Party. Association with the party is not required for appointment to senior government positions or military ranks or election to the National Assembly, but is normally necessary to attain political influence. Opposition groups, including various Kurdish groups and splinter parties, are severely repressed. The Communist Party was removed from the National Front and declared illegal in 1979. The Da'wa Organization, a violent dissident Shi'ite group, is still proscribed, and its members are subject to incarceration and execution, as are members of other parties believed to be cooperating with Iran. The Government announced in November plans to permit the legal formation of opposition parties. However, this development is unlikely to have a major effect on the nature of the regime.

General elections were last held for the 250-seat National Assembly in 1984. The Government screened all the candidates for consonance with Ba'ath Party ideology. Though in theory possessing a wide range of official duties, the Assembly exercises little real authority. The most recent local elections were held in the Kurdish Autonomous Region in 1986. With the term of the National Assembly having expired, elections are scheduled for March 1, 1989.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Iraq denies charges that it violates human rights. Iraqi officials claim that the information on which AI and other human rights groups base their charges comes from pro-Iranian and Kurdish Iraqi exile groups in London and Paris. In its 1988 Report, AI noted several instances in 1987 in which Iraqi authorities had commented on AI reports or responded to AI inquiries, but in each case these authorities had defended their actions as justifiable. Iraq refused to permit any independent investigation, including one under U.N. auspices, of charges related to the use of chemical weapons in its campaign to suppress Kurdish rebels. Iraq adamantly denied such use.

There is no government office or official charged with investigating human rights and coordinating with other governments and international organizations on human rights. Iraq cooperates with the International Committee of the Red Cross in efforts to resettle Iranian civilian refugees in third countries. The U.N. High Commissioner for Refugees (UNHCR) in previous years sent several representatives to Iraq for brief periods to register refugees and to work for theirresettlement. A UNHCR representative has been in Baghdad since April 1988.

IRAQ

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Ba'ath Party has been committed to the equality of the sexes, and a series of laws since it came to power in 1968 has steadily improved the status of women. Such laws have protected women from exploitation in the workplace; granted subsidized maternity leave; permitted women to join the regular army, Popular Army, and police forces; and equalized women's rights on divorce, land ownership, taxation, suffrage, and election to the National Assembly. In the 1970's, the Government imposed legal penalties on families that opposed sending their women to literacy schools, and on men who were seen harassing women. However, women may still travel abroad only with the permission of their husbands. School enrollment of females has been increasing in recent years, reaching 45 percent in elementary schools and 36 percent in secondary schools in 1985-86.

Women represent about 47 percent of agricultural workers and about 25 percent of the total work force. The war accelerated the Government's drive to elevate the status of women, and some Iraqis believe it has permanently broken cultural barriers to the acceptance of women in traditional male roles. Women have become increasingly visible as architects, construction engineers, oil engineers, air traffic controllers, factory and farm managers, and Air Force pilots. Some 40,000 women were reportedly volunteers in the Popular Army in 1982.

The use of minority languages is unrestricted. Kurdish, an official language, is used in schools and media in Kurdish areas. Turcomans publish in their dialect of Turkish. The Shi'a, who make up roughly 55 percent of the population, have historically been economically, politically, and socially disadvantaged throughout the Middle East. The Government has a declared policy to raise their living standards and equalize opportunities for their economic and professional advancement. For four centuries, political power in Iraq has been concentrated in the hands of the Sunni minority. Sunni Arabs, who comprise 20 to 25 percent of Iraq's population, dominate the RCC, the Regional Command of the Ba'ath Party, and the Cabinet. However, many Shi'as hold prominent positions, and the economic status of the Shi'a has improved. Nevertheless, the Government maintains a close watch against Iranian attempts to exploit dissatisfaction among the Iraqi Shi'a, who adhere to the branch of Islam prevalent in Iran.

Although Christians sometime allege discrimination in education and jobs, adherence to their religion has not prevented many from obtaining wealth and professional advancement. The Deputy Prime Minister and Foreign Minister, a Chaldean Christian, has represented Iraq even at meetings of the foreign ministers of the Organization of the Islamic Conference. Other Christians hold important official and private positions. Citizens considered to be of Iranian origin carry special identification, and they are often precluded from desirable employment and their advancement may be impeded. Many "Iranian" families have been in Iraq for generations. Some say their forebears were not from Iran but claimed Iranian nationality to evade Ottoman military conscription.

IRAQ

Section 6 Worker Rights

a. The Right of Association

Industrial workers do not constitute a significant part of the total work force, whose principal components are agricultural workers, shopkeepers, and government employees. Under the Trade Union Organization Law of June 2, 1987, a new single trade union structure was prescribed for organized labor. Workers in private and mixed enterprises and in cooperatives--but not public employees or workers in state enterprises--have the voluntary right to join a local trade union committee. The trade union committees form trade unions which in turn are part of provincial trade union federations. At the top is an umbrella organization, the Iraqi General Federation of Trade Unions, which is organically linked to the Ba'ath Party and required to promote party principles and policies among union members. The General Federation is affiliated to the International Confederation of Arab Trade Unions and to the Soviet-controlled World Federation of Trade Unions. It is also active in the tripartite Arab Labor Organization which is currently headquartered in Baghdad.

Although workers legally have the right to strike, after providing notice to the Labor Ministry, no strikes have been reported for almost 20 years.

b. The Right to Organize and Bargain Collectively

Even before the abolition of the Labor Federation, the right to bargain collectively was not recognized. Labor legislation and practice is uniform throughout the country. There are no export processing zones in Iraq.

c. Prohibition of Forced or Compulsory Labor

The Popular Army, the militia of the Ba'ath Party, employs press-gang methods to draft recruits. It sets up roadblocks and inducts eligible men on the spot; they are sometimes not allowed to contact their families for weeks afterwards. Popular Army personnel perform duties in rear areas, freeing regular army personnel for front line duty; they also perform many functions, such as reconstruction work, which would normally be done by the civilian labor force. However, on October 30 the Government announced that the Popular Army would cease recruiting drives and begin to release Popular Army inductees who were currently in training camps. There has been no evidence of recruiting into the Popular Army since this announcement, and measures are under way to significantly reduce its size.

d. Minimum Age for Employment of Children

Children are frequently encouraged to work as necessary to support the family, a common social practice in the Middle East. The employment of children is forbidden in all enterprises other than small-scale family enterprises.

e. Acceptable Conditions of Work

The workweek in urban areas is 6 days, 7 to 8 hours a day, for workers in the private sector. Hours for government employees are set by the head of the ministry for which the employee works. Many government employees routinely work longer than 8 hours a day, some of them as much as 12 hours per day. Wages

are set by the Government for public sector workers (i.e., the bulk of the employed) and do not adhere to any fixed per hour or per day rate; salaries are generally deemed low but adequate. Wages in the small private sector are set by supply and demand. Occupational safety programs are in effect in state-run enterprises, and inspectors make irregular visits to private establishments; enforcement varies widely. A new government decree to extend occupational safety and health protection was issued and subsequently withdrawn in December 1988, reportedly leading to the dismissal of the Labor Minister.

ISRAEL AND THE OCCUPIED TERRITORIES*

Israel is a parliamentary democracy with a multiparty political system and free elections. The legislature (the Knesset) can limit the government and force its dissolution. Israel has an independent judiciary. There is no formal, written constitution, but a series of basic laws defines the responsibilities of government institutions. Cabinet ministers have authority over police and security agencies and are expected to answer to the Knesset for the activities of these agencies. Public debate on issues of concern to Israelis is open and lively. A vigorous free press scrutinizes all aspects of Israeli life and politics.

Israel enjoys a relatively high standard of living. It has a predominantly market economy with substantial government participation and subsidized prices for basic commodities. Economic policy has a strong orientation toward social welfare.

Since Israel's founding in 1948, only one Arab state, Egypt, has concluded a peace treaty with Israel (1979). This hostile situation, reflected in several Arab-Israel armed conflicts and terrorist incidents within and outside Israel, contribute to a continuing sense of insecurity on the part of many Israelis. Emergency regulations have been in effect since 1948. Israel has occupied the territories of the West Bank, the Gaza Strip, the eastern sector of Jerusalem, and the Golan Heights since the 1967 war. Government-sanctioned Jewish settlements in the occupied territories have heightened tension with Palestinian residents. In southern Lebanon, Israel maintains a residual military presence and supports a local militia, the "Army of South Lebanon." Arab citizens of Israel, who constitute approximately 17 percent of the population, do not share fully in the rights granted to, or the duties levied on, Jewish Israeli citizens. They are clustered at the lower end of the socioeconomic scale.

The most significant human rights problem for Israel in 1988 derived from the uprising of Palestinians in the West Bank and Gaza against the Israeli occupation, which began in December 1987 and continued throughout 1988. (For detailed discussion, see the separate report on the occupied territories.)

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Israeli authorities do not sanction or practice political killing.

b. Disappearance

There were no reports of disappearances.

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*Because the occupied territories are a distinct entity, where the legal, political, and human rights environments differ sharply from those of Israel, the situation in the territories is addressed in a separate report following the report for Israel.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Israeli laws and administrative regulations clearly prohibit, and provide specific penalties for, such activities. However, where security concerns predominate, these strictures have been violated. The Landau Report of 1987 held that the general security service, Shin Bet, had routinely used physical and psychological mistreatment to obtain confessions. (For further discussion, see the separate report on the occupied territories.)

d. Arbitrary Arrest, Detention, or Exile

Israeli law and practice guarantee against arbitrary arrest or imprisonment. Writs of habeas corpus and other procedural and substantive safeguards are available. Defendants are considered innocent until proven guilty. Administrative detention, without charge or trial, may be imposed under emergency regulations, within procedural guidelines. The detention order is signed by the Minister of Defense, and the detainee must be brought before the appropriate district court within 48 hours of being taken into custody. On review of the case, the judge may confirm, shorten, or overturn the detention order. Absent this review, the detainee must be released. If the detention is confirmed, further judicial review must take place at least every 3 months. The detainee may appeal the determination of the district court to the Supreme Court and may be represented by counsel at each stage of the review and appeal process. However, detainees are not presented with formal statements of charges, and evidence may be presented by the Government in the review process which is withheld from the detainee and his counsel.

In 1988 seven Israeli Arabs were held in administrative detention. By the end of 1988, most of them had been released, one of them to house arrest.

As a result of the significant increase in administrative detention of Palestinians, Israel established an Emergency Detention Center in Israeli territory, at Ketziot in the Negev desert. (For a discussion of the detention camp at Ketziot, see the separate report on the occupied territories.)

e. Denial of Fair Public Trial

The right to a hearing by an impartial tribunal with representation by counsel is guaranteed by law. The judiciary is independent and effectively insulated from political interference. All nonsecurity trials are open. Security cases may be tried before a military court and may be partly or wholly closed to the public. The burden of justifying nonpublic proceedings falls to the prosecution. Defense counsel is present, even during closed proceedings, but may be denied access to some evidence on security grounds.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Privacy of the individual and the sanctity of home life and correspondence are protected by law within Israel. However, some Israeli Arab political activists have expressed suspicion that their mail is delayed or confiscated. There are effective legal safeguards against arbitrary invasion of the home.

ISRAEL AND THE OCCUPIED TERRITORIES

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and press, protected rights in Israel, are limited by security-based censorship provisions. Licenses, required of newspapers, are routinely issued. All newspapers are privately owned and managed. Israeli radio and television are run by the independent Israel Broadcast Authority (IBA). The Government helps to fund the IBA and appoints its governing board, but it has little direct control over programming. The board's members are appointed by political parties and tend to support their parties' views. The independence of the IBA is protected by law, subject to censorship provisions. Movies and theater productions are subject to censorship if deemed pornographic, otherwise offensive to religious or social mores, or likely to disturb public order. Censorship board actions, rarely imposed, may be appealed in the courts. According to the Prevention of Terrorism Act of 1948, it is illegal to possess, for purposes of inciting support for organizations defined as terrorist, or to distribute literature considered hostile to Israel or that issued by illegal Palestinian organizations, to display Palestinian nationalist symbols, or publicly to express support for the Palestine Liberation Organization (PLO).

b. Freedom of Peaceful Assembly and Association

Israelis representing almost any point of view are free to assemble and associate. The law and court rulings protect these rights. However, contact by Israelis with the PLO, its subdivisions, or other organizations classified by the Government as terrorist, or with individual members of such organizations, is illegal. In 1988 four Israelis were convicted of violating the Prevention of Terrorism Law for meeting PLO members. An Israeli who had met with PLO leader Yasser Arafat was interrogated by the police and released on bail, but he had not been formally charged as of the end of 1988.

c. Freedom of Religion

All citizens are assured freedom of religion by law. Approximately 82 percent of Israeli citizens are Jewish. Muslims, Christians, and Druze, and members of other minority religions make up the remaining 18 percent. The law of return of 1950, which abolished restrictions on Jewish immigration, and the citizenship law of 1952, which granted every Jew the right to citizenship on arrival in Israel, confer advantages to Jews in matters of immigration, residence, and citizenship. Each recognized religious community in Israel is governed in personal status matters, not by civil law, but by its own religious law. A system of religious courts coexists with the civil. The religious courts have jurisdiction in matters of marriage, legitimacy, inheritance, and conversion, thus imposing in such matters the values of the dominant tradition within each religious community on all its members.

Women's rights are limited in some religious communities. Some Jewish and Christian congregations have complained that zoning regulations are used to prevent their establishment or expansion. Missionaries are allowed to enter Israel. A 1977 antiproselytizing law prohibits the offering and receipt of material benefits as an inducement to conversion. The Justice Ministry ruled in 1979 that the law is not intended to restrict

any community's religious freedom or pursuit of educational or philanthropic activities, but Christian groups are uneasy. Since its enactment, the law has not been employed. However, whether because of concern for that law or because of the practical difficulty of attracting converts across the lines of the three major faiths represented in Israel, missionaries usually proselytize within the boundaries of their own major faith. Missionaries, or persons claiming to be missionaries, have occasionally been physically attacked by individuals and, in some cases, have been harassed by Jewish religious extremists. The police have actively protected missionary groups. The Ministry of Religious Affairs cooperates with and gives financial support to various interfaith groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Israeli citizens can move freely within Israel except in military or security zones, or in cases where they may be confined to their neighborhood or village by administrative order under emergency regulations. In 1988 two Israeli Arabs were thus confined. Both were also administratively detained in 1988. Israeli citizens are free to travel within the occupied territories, except in those sections temporarily declared closed military areas.

Palestinian residents of the occupied territories are generally free to travel within Israel. Residents of the territories working in Israel need permits to stay overnight, although this provision is often not enforced. On occasion in 1988, they were forbidden to enter Israel. Palestinians, especially young men, were occasionally prevented from entering Jerusalem on Friday, the Muslim holy day. Israeli citizens are free to travel abroad and to emigrate, provided they have no outstanding military obligations or are not restricted by administrative order. However, travel restrictions on two Israeli Arabs, both officials of the Progressive List for Peace Party, were renewed in 1988. These restrictions applied to travel abroad and to the occupied territories. The Israeli Government did not provide official reasons for these restrictions.

The Israeli concept of repatriation, as it applies to Jews, is influenced by the right of return and citizenship for all Jews, including those Israeli citizens who have emigrated from Israel. Those Arab residents of mandatory Palestine who left the area that became Israel in 1948 have no guaranteed right to return. Israel has rejected United Nations General Assembly Resolution 194 of 1948 which called on Israel to permit the return of Arabs who left in 1947-1948, or to compensate them for their losses if they choose not to return. Israel has justified its rejection of Resolution 194 on the grounds that the losses of Jews who left Arab states at that time have not been compensated. Israel has allowed the return of some Arabs, on the principle of family reunification, but has rejected the great majority of requests for return.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Israel is a parliamentary democracy, with a multitude of parties representing a wide range of political views. Even relatively small parties regularly win seats in the Knesset. However, in the 1988 elections the Kach Party was disqualified from running by a panel of the High Court on the grounds that

the party was racist. All adult Israeli citizens have the right to participate in the political process and to vote. Participation of eligible voters in national elections, including Israeli Arabs, is high by Western standards. In the 1988 elections, Israeli Arabs, representing both Zionist and non-Zionist parties, won 6 of 120 Knesset seats. Israeli Arabs actively participate in local (municipal) elections. Municipal councils, which function throughout Israel, serve in Arab towns as well, and all participate in Israeli regional councils. Women participate actively in Israeli politics. In 1988 they constituted over 40 percent of political party membership, won seven Knesset seats in the 1988 elections, but hold no cabinet posts in the new Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Israel is responsive to international and nongovernmental interest in its human rights situation. The Ministries of Foreign Affairs and Justice have specially designated Human Rights offices, and other ministries have officials who respond to human rights inquiries. Human rights groups such as the Israeli League for Human and Civil Rights and the Association for Civil Rights in Israel, as well as political action groups such as Peace Now, operate openly and without government interference. The Government investigates and responds to most inquiries by such organizations as Amnesty International.

The Government permits visits to Israel and the occupied territories by representatives of private international human rights groups, as well as such international bodies as the United Nations Economic and Social Council, the World Health Organization, and the International Labor Organization (ILO). In 1988 Israel accommodated a vastly increased number of visits from organizations and persons inquiring into human and civil rights issues associated with the uprising in the occupied territories.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women's rights in Israel are protected by the Equal Opportunity Law, which forbids sex discrimination. For example, it requires employers to pay male and female workers equal wages for equal work. Other laws and regulations protect the rights of women employees concerning pregnancy, childbirth, and child care. The Government includes a senior adviser on the status of women, and the civil service commission and several government ministries have officers responsible for womens rights. Nongovernmental women's organizations work actively in promoting women's rights and welfare. Women are well represented in higher education and the work force--they comprise 40 percent of university graduates, 39 percent of the overall work force, 52 percent of civil servants, and approximately two-thirds of teachers. One (previously 2) of 12 Supreme Court Justices is a woman. Women are drafted into the army but do not fill combat-related positions. Women are underrepresented at the higher levels of government and the civil service, although there is debate whether this is a result of discrimination or of career patterns different from those of men.

Israeli Arabs have made substantial educational and material progress since the founding of Israel. A few have risen to responsible positions in the Civil Service, generally in the Arab departments of government ministries. However, despite laws which guarantee them nearly the same rights as Israeli Jews, and despite government and private efforts to bridge the gap between Israeli Arabs and Jews, there is little interaction between the two communities, and many Israeli Arabs feel estranged from the mainstream of Israeli life and politics. Israeli Arabs have not attained the same quality of education, housing, or other services as Israeli Jews. Although they make up approximately 17 percent of the population, Israeli Arabs comprise less than 3 percent of the university student population and are virtually unrepresented in the higher-level professional, academic, and business ranks. The Arabic-speaking community has access to local and foreign Arabic newspapers and magazines, internal and external Arabic television programming, and Arabic-language radio services.

The Israeli Druze and Circassian communities, at their initiative, are subject to Israel's military draft, and some Bedouin Arabs serve voluntarily in special units. However, most Israeli Arabs are not subject to the draft and do not volunteer. Of the few who do volunteer, most are disqualified on security grounds. Consequently, they have less access than do other Israelis to such social and economic benefits as housing and new-household subsidies, government employment, and university scholarships, for which military service is either a prerequisite or an advantage.

Section 6 Worker Rights

a. The Right of Association

Israeli workers and employers have freely established organizations of their own choosing. Israel has a powerful free trade union movement, the General Federation of Labor in Israel (Histadrut), and a much smaller rival federation. About 80 percent of employed Israelis (including 70 percent of employed Arab Israelis) are members of Histadrut trade unions or covered by its collective bargaining agreements.

Aside from its trade union role, Histadrut owns and operates a quarter of Israel's industry and business, much of the health care, vocational training, and child care systems, and most of the health insurance and pension systems. It also includes the largest women's organization. About 60 percent of adult Israelis (55 percent of adult Israeli Arabs) are Histadrut members.

Histadrut members democratically elect their national and local officers and those of its affiliated trade unions and women's organization, choosing between political party lists. Plant or enterprise committee members are elected individually. Histadrut generally provides very effective representation, despite its role as an employer and its ties to the Labor Party, which has participated in most Israeli governments.

Histadrut participates in the meetings of the ILO, to which Israel belongs. Histadrut is affiliated to the International Confederation of Free Trade Unions, and its individual member unions are affiliated to many of the Western international trade secretariats. Histadrut officials also have some contacts with the Soviet-controlled World Federation of Trade Unions.

Palestinian residents of Jerusalem have the same rights of labor association as Israelis.

About 100,000 Palestinian workers living in the West Bank and Gaza work in Israel. They and a few thousand foreigners working temporarily in Israel may not join Histadrut or other independent unions, but, if employed in the organized sector, they are entitled to union representation by Histadrut and are covered by current collective bargaining agreements at their workplace. A 1 percent union agency fee is deducted from the wages of those hired legally through the Israeli employment service. They are not eligible to vote or run for office in the elections of Histadrut or its national unions, but they can vote for and serve on plant or enterprise workers' committees. Indeed, Histadrut asks them to choose one or more committee members (proportionate to their number) wherever there are 20 of them, or at least 10 percent of the work force. (There are about 5,000 to 6,000 of these committees with 3 to 11 members at most workplaces, 30 to 70 members at multiplant enterprises, conglomerates, or large public sector bargaining units.)

The right to strike is exercised frequently. There is a legal obligation to give 15 days' notice prior to a strike or lockout, unless otherwise specified in the collective bargaining agreement. Strikes often erupt without prior notice or Histadrut authorization, although Histadrut tries to maintain discipline with a central strike fund. The Government may, and occasionally does, appeal to labor courts for back-to-work orders to restore essential public services while negotiations continue, but these orders are temporary and not always granted. Labor courts include employer and employee representatives.

b. The Right to Organize and Bargain Collectively

The right of Israelis to organize and bargain collectively is enshrined in law and freely exercised. The majority union (generally Histadrut) is the exclusive bargaining agent.

Palestinian residents of Jerusalem have the same rights under Israeli law. Nonresident workers, mostly Palestinians from the West Bank and Gaza, may not organize and bargain collectively on their own, but they are entitled to the protection of collective bargaining agreements and representation by the bargaining agent. However, a sizable minority work in the unorganized sector, without this protection, mostly in seasonal agriculture and small construction sites, restaurants, and garages.

The labor legislation is applied uniformly throughout the country. There are no export processing zones in Israel.

c. Prohibition of Forced or Compulsory Labor

Israeli citizens are not subject to forced or compulsory labor.

d. Minimum Age for Employment of Children

By law, children under age 15 may not be employed. Those aged 15 may not be employed if subject to compulsory education, except during vacations, or in apprenticeships, or with a permit from the Labor Minister under special conditions. The Minister may also allow an artistic performance by a child under age 15, with safeguards. Employment of children aged 16

to 18 is restricted to ensure time for rest and education. A labor inspection service enforces these provisions, but enforcement may be lax in seasonal agriculture and at small construction sites, where labor contractors from the West Bank and Gaza bring work crews, and in small garages and restaurants. Israeli labor exchanges in the West Bank and Gaza do not permit those under 17 to be employed legally in Israel.

e. Acceptable Conditions of Work

Wage income in Israel is generally sufficient to provide workers and their families a decent standard of living. Legislation in 1986 established a minimum wage at 45 percent of the average salary, calculated each April, with interim cost-of-living adjustments. An October 1988 adjustment raised it to about $410 per month. Most wages and salaries are established in collective bargaining agreements. The Labor Minister frequently uses the 1957 Collective Agreements Law to extend private sector wage settlements to the public sector and sectoral wage settlements to other, uncovered enterprises. Along with union representation, the Labor Inspection Service enforces labor, health, and safety standards in the workplace.

By law, maximum hours of work are 47 per week, 8 per day, 7 the day before the weekly rest, which must be at least 36 consecutive hours and should include the Sabbath (Saturday for Jews, Sunday for Christians, Friday for Muslims). Exceptions may be approved by the Labor Ministry but not to exceed 10 hours per day, or an average of 47 hours per week. By national collective agreements, the public sector moves to a 5-day, 42 1/2-hour week in April 1989, while the private sector established a maximum 45-hour week in August 1988 and an April 1990 deadline for all firms to institute the 5-day week. The normal weekly rest, Friday noon to Sunday morning, is changing to Thursday evening to Sunday morning. Those needed at work then receive equivalent rest periods on other days. Labor law provides 14 to 18 days' paid vacation per year, depending on length of service, and many paid holidays.

Palestinian residents of Jerusalem have the same rights under Israeli law and union contract and are entitled to the same working conditions as Israelis.

About half the West Bank and Gaza Palestinians working in Israel find employment legally through Israeli Employment Service labor exchanges in West Bank and Gaza towns. Employers pay wages and social contributions for these workers to the Service. It deducts taxes, employee social contributions, and a 1 percent union fee, and pays the balance to the workers. The same percentage is deducted from the pay of West Bank and Gaza Palestinians working legally in Israel as is deducted from the pay of Israeli workers for social contributions, and they receive equivalent pensions. However, they do not receive the same benefits from the National Insurance Institute (NII-similar to U.S. social security), because many NII benefits require residence in Israel. Thus, only 1.2 percent of the pay of the workers from the West Bank and Gaza goes to the NII, compared to 5.35 percent for an Israeli. The other 4.15 percent is an equalization deduction to keep labor costs equivalent. It goes to a special Finance Ministry fund to be used only for social and development costs in the West Bank and Gaza. Palestinians estimate that this amounts to hundreds of millions of dollars since 1970 and complain that the Government of Israel has not accounted for whether or how the

money has been spent in the territories. The Government of Israel says that these and other expenditures in the territories are accounted for internally, in the budget for the territories, but not made public.

Nonresident Palestinian workers in Israel are covered by the minimum wage law and by Histadrut contracts if they work in organized firms. Those hired legally receive a pension through the Labor Ministry at age 65 after at least 10 years' employment in Israel, based on earnings and years worked (the conditions and benefits of their pensions are equivalent to those of the Histadrut pensions granted to Israelis.) Legal nonresident Palestinian workers are also entitled to sick leave, severance pay, and paid vacations of 14 to 28 days per year, under law or Histadrut contract. The NII provides them workers' compensation (including disability, dependent, and survivor pensions) for occupational injury or illness and employer bankruptcy insurance. These workers are also entitled to maternity benefits (free hospital care and a small lump sum payment for female workers or workers' wives, plus 12 weeks' paid maternity leave for the former) but only for births in hospitals in Israel.

Nonresidents are ineligible for NII old-age, survivors, and disability pensions (smaller, flat rate pensions) received by most Israeli retirees in addition to their Histadrut pensions (like U.S. social security pensions), unemployment compensation, or insurance for long-term care or injury in nonoccupational accidents. They are also ineligible for NII children's allowances, funded only by employer contributions, and for NII-administered welfare programs funded by Israeli taxpayers through the budget (income support benefits for widows, orphans, mothers of dependent children, victims of disaster, those incapable of working, etc.).

The 1988 report of the ILO Director General reviewed the situation of nonresident Palestinian workers in Israel and reiterated the recommendations that there be full application in practice of the principle of equal treatment for these workers with respect to working conditions and social security treatment. Histadrut has been unsuccessful in ensuring that West Bankers and Gazans working in Israel receive their full legal rights and benefits and in persuading many to present claims, despite Arabic-language broadcasts, pamphlets, and workplace posters explaining rights, benefits, and procedures. In 1988 Histadrut began to hold seminars on this subject for these workers and for Arab employees of Israel's West Bank and Gaza labor exchanges. Histadrut has succeeded in reinstating only a small percentage of nonresident Palestinian workers dismissed for absences during the uprising. It has been more successful in helping them get severance pay.

About half the West Bankers and Gazans who work in Israel come illegally, with labor contractors or individually, evading taxes and social contributions (which their employers also evade), but losing social benefits. In unorganized enterprises, their wages and working conditions are often below Israeli legal standards, particularly in seasonal agriculture and small restaurants, garages, and construction sites. In 1988 the Labor Ministry began enforcing the requirement that they be hired through labor exchanges. Labor Ministry inspectors detected about 12,000 illegal workers from the West Bank and Gaza and over 4,000 employers hiring them illegally, and filed criminal court complaints against the employers. The Civil Administration assesses small fines

against the illegal workers. In January the Labor Ministry instituted fines of about $280 per worker against employers as a quick and efficient alternative to long and difficult criminal cases.

Most workers from the West Bank and Gaza are required to return home each night. Since the uprising began in December 1987, an increasing number stay overnight in Israel during the week, often on the employer's premises. Israeli government policy is now to grant permits to sleep in Israel to all who seek them, and the number of permits has more than doubled to about 6,000, according to the Employment Service. The Labor Ministry inspects employers to ensure decent accommodations before issuing permits to them for their West Bank employees to sleep on the premises. Many of those who work illegally also stay overnight illegally in Israel, often in unsatisfactory quarters. Labor Ministry inspectors recently took action against some workers staying overnight without permission.

THE OCCUPIED TERRITORIES

The West Bank, East Jerusalem, the Golan Heights, and the Gaza Strip are areas occupied by Israel in the 1967 war which remain under Israeli occupation. The West Bank and Gaza continue under military government; Israel has unilaterally annexed East Jerusalem; and it has extended its civilian law, jurisdiction, and administration to the Golan Heights.

The United States considers Israel's occupation to be governed by The Hague Regulations of 1907 and the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Israel denies the applicability of the Fourth Geneva Convention to the West Bank and Gaza, but states that it observes the Convention's humanitarian provisions in those areas. Israel applies Jordanian law in the West Bank and British mandate law in Gaza, as well as its own military orders which have changed these laws significantly.

The Israeli Ministry of Defense, which is responsible for the government of the occupied territories, functions through a civil administration (CIVAD) under the Defense Ministry. Personnel from the Israeli Defense Forces (IDF), the National Police, the Internal Security Service (Shin Bet), the Border Police, Israeli Civilian Ministries, and Palestinian employees participate in this apparatus. There are no Palestinian elected political bodies above the municipal level. Municipal elections, last held in 1976, were discontinued, and many elected officials were later removed or deported for alleged security reasons.

This report differs from many others in this compilation because of the greater detail available on the situation in the occupied territories by virtue of Israel's open and democratic society. The human rights situation described in this report also differs from all others in this compilation in that most of the occupied territories remain after 21 years under military government, and are, therefore, subject in part to military law. That circumstance, in turn, was one of the consequences of the 1967 war between Israel and its neighbors. Since 1948 only Egypt has concluded a peace treaty with Israel (1979), as a result of which Israel withdrew from the Sinai Peninsula. Although the Chairman of the Palestine Liberation Organization (PLO), which most Palestinians support, has stated that his organization recognizes Israel's right to exist and renounces terrorism, there are Palestinian factions which have not done so. The PLO has called for the uprising in the West Bank and Gaza to continue, and the future status of the occupied territories is now the central issue in the Arab-Israeli conflict.

Civilian unrest, reflecting Palestinian opposition to the occupation, has resulted in a number of outbreaks of violence during the last 21 years, which in turn have led periodically to sharp crackdowns by Israeli military forces. Beginning in December 1987, the occupation entered a new phase, referred to as the intifada, when civilian unrest became far more widespread and intensive than at any time heretofore. The active participants in these civil disturbances were primarily young men and women motivated by Palestinian nationalism and a desire to bring the occupation to an end. They gathered in groups, called and enforced strikes, threw stones and firebombs at Israeli security forces and civilian vehicles, or erected barricades and burned tires so as to interfere with traffic. The Israeli Government has regarded the uprising as a new

phase of the 40-year war against Israel and as a threat to the security of the State. The Israeli Defense Forces, caught by surprise and untrained and inexperienced in riot control, responded in a manner which led to a substantial increase in human rights violations.

The West Bank (including East Jerusalem) had been annexed by Jordan in 1950. Even after the occupation of these areas by Israel in 1967, Jordan considered them its territory, recognized Palestinian residents of these areas as citizens of Jordan, and continued to provide financial support to the West Bank. Israel tacitly accepted these arrangements. A marked change occurred, however, in July 1988, when King Hussein announced a significant reduction in administrative and financial support for the West Bank and Gaza. Since July the Israeli Government has taken additional steps to deny the PLO access to the territories and to crack down harder on expressions of Palestinian nationalism.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Political killing is not condoned by Israel and is not practiced by the Israeli Government in the occupied territories.

In hundreds of confrontations between IDF troops and Palestinians throwing stones or Molotov cocktails or engaging in other forms of disorder, however, the IDF frequently responded with gunfire in which casualties resulted. Precise figures on casualties are not available and estimates vary depending on the source and counting criteria. Figures compiled from press, Palestinian, and Israeli government sources indicate that 366 Palestinians were killed in 1988 as a result of the uprising, most of them by the IDF, some by Israeli settlers. Thirteen Palestinians were killed by other Palestinians for suspected collaboration with Israeli authorities. Over 20,000 Palestinians were wounded or injured by the IDF. Eleven Israelis have been killed in the intifada. According to IDF statistics, approximately 1,100 Israelis have been injured.

Most Palestinian deaths resulted from the use of high velocity, standard service round bullets by the IDF during attempts to halt incidents involving stones, firebombs, or fleeing suspects. According to IDF regulations, live fire is permitted when soldiers' lives are in real and immediate danger. Only a specific attacker may be shot at; fire is to be directed at legs only; and it may be used against fleeing suspects only if a serious felony is suspected and as a last resort. Soldiers may fire only after exhausting all other means--including tear gas, rubber bullets, and warning shots. These guidelines were often not followed. Soldiers frequently used gunfire in situations that did not present mortal danger to troops, causing many avoidable deaths and injuries.

In September IDF policy was changed to allow the firing of plastic bullets in order to stop demonstrations or instigators of demonstrations in situation that do not threaten the lives of security forces and to increase injuries. The IDF claims plastic bullets are less lethal than lead bullets. While no

precise figures are available, several deaths were attributed to plastic bullets, and nonlethal casualties increased after they were introduced. Other fatalities included at least 13 reported deaths by beating and at least 4 deaths from tear gas used by the IDF in enclosed areas. Exact figures are unavailable and estimates vary. There have been reports of several instances in which Palestinian wounded died because of IDF delays of ambulances or because, for whatever reason, there were delays in moving the wounded to a hospital. There were five cases in 1988 in which unarmed Palestinians in detention died under questionable circumstances or were clearly killed by the detaining officials.

Israeli authorities in some cases prosecuted or took disciplinary action against security personnel and settlers who killed Palestinians in violation of regulations. However, regulations were not rigorously enforced; punishments were usually lenient; and there were many cases of unjustified killing which did not result in disciplinary actions or prosecutions.

b. Disappearance

Israel does not sponsor or condone disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Israeli law, and Israeli authorities claim they do not condone it. In 1987 the report of a special judicial commission headed by ex-Supreme Court President Landau confirmed that the Shin Bet had for many years illegally used physical and psychological pressure to obtain confessions from security suspects. The report recommended that limited and clearly delineated "physical and psychological pressure" (which it defined in a secret annex) should be allowed to be applied in appropriate circumstances. Reports of beatings of suspects and detainees continue, as do reports of harsh and demeaning treatment of prisoners and detainees. Palestinians and international human rights groups state that other practices, including forcing prisoners to remain in one position for prolonged periods, hooding, sleep deprivation, and use of cold showers have continued since the Landau report. Many convictions in security cases are based on confessions. Attorneys are normally not allowed to see clients until after interrogations are completed. The International Committee of the Red Cross is allowed access 14 days after arrest.

Since the uprising began in December 1987, the number of Palestinian prisoners has risen from about 4,700 to about 10,000. According to IDF figures released November 28, 5,656 Palestinian were being held in prisons or detention centers. Seven military detention centers were added to two existing facilities, but there is serious overcrowding. Conditions at military detention facilities vary. Abuse of prisoners was particularly severe at the new facility at Dahariya, but conditions there improved after personnel changes were effected and disciplinary measures were taken. There was widespread beating of unarmed Palestinians in early 1988 in uprising incidents and of persons not participating in violent activities. On January 19, the Minister of Defense announced a policy of "force, might, and beatings" to put down the uprising. He later said there was no policy of "beating for beating's sake" and that some soldiers were exceeding orders.

Nevertheless, in late January and February Palestinian and foreign physicians, human rights organizations, and the international and Israeli press reported widespread incidents in which IDF troops used clubs to break limbs and beat Palestinians who were not directly involved in disturbances or resisting arrest. Soldiers turned many people out of their homes at night, making them stand for hours, and rounded up men and boys and beat them in reprisal for stone-throwings. At least 13 Palestinians have been reported to have died from beatings. By mid-April reports of deliberate breaking of bones had ended, but reports of unjustifiably harsh beatings continued. The Attorney General of Israel criticized this policy and declared it illegal.

IDF personnel are subject to discipline for violating procedures in beating cases. Four such cases have been publicized. A total of 66 soldiers have been accused of abuses in connection with their service in the occupied territories. Of these, 36 were convicted and sentenced, 2 were acquitted, and 28 are awaiting trial. Those convicted received light punishment ranging from suspended sentences to imprisonment for 2 1/2 months.

d. Arbitrary Arrest, Detention, or Exile

Thirty six Palestinians were deported in 1988, compared to nine in 1987. These deportations contravene the Fourth Geneva Convention in the view of the United States. The Israeli Supreme Court has disagreed in a formal decision..

The use of administrative detention greatly increased in 1988. While the peak number of administrative detainees at any one time is uncertain, the number was 2,600 in September 1988. As of November 28, Israeli government figures put the number at 1,590. Most were detained for 6 months, although 20 percent of detention orders were renewed. Administrative detentions are ordered by district military commanders. In March regulations were changed to suspend temporarily the automatic review of administrative detention after 96 hours, as formerly required, although a detainee may appeal to a military judge. Secret evidence is often used as grounds for administrative detention, and it is not made available to detainees and their lawyers on grounds that confidentiality is required for security reasons. Such rulings can be appealed to the High Court, which has the right to review the secret evidence, but there have been no reversals. According to the IDF, as of early October 1988 there were 587 cases in which detention periods had been shortened or canceled.

Israeli authorities maintain that administrative detention is used only against persons recently and repeatedly engaged in actions threatening security, and that political views and activities are not grounds for detention. However, Israel defines "security" very broadly, and in many cases individuals appear to have been detained for political activities which the authorities regard as a security threat. Many individuals, including academics, journalists, and human rights workers, who have not engaged in or advocated violence or other acts threatening security, have been detained, including many members of "popular committees," banned organizations which support the uprising in various ways, including nonviolent activities. Israeli officials have confirmed that in some instances, release of a detainee depends upon the behavior of the people in the area where the detainee lives.

THE OCCUPIED TERRITORIES

Since March the IDF moved over 2,000 administrative detainees at various times from the occupied territories to a detention camp in the Negev desert near Ketziot inside Israel. At its maximum in 1988, the camp held nearly 3,000 detainees but by the end of 1988 the number had dropped to approximately 1,200. Transferring prisoners from occupied territories, in the view of the United States, contravenes the Fourth Geneva Convention. However, the Israeli Supreme Court, in dismissing a petition brought by Ketziot detainees, held the Convention's provisions could not be enforced by an Israeli Court since they have not been incorporated into domestic Israeli law. The Court held, on the basis of a 1988 order relating to military detention and a section of a 1987 law amending and continuing emergency regulations, that Israeli military commanders were empowered to order detention inside Israel proper and that detainees may be held in Israel if the order is issued in Israel. Conditions at Ketziot are rigorous and there is overcrowding. Prisoners are required to live in tents not designed for extended periods of confinement.

Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a statement of charges, although these rights are sometimes delayed. Individuals may be held in custody without a warrant for 96 hours, and may be held without formal charges for up to 18 days. The normal detention period after charges are filed is 60 days before trial. A High Court judge may approve 3 months extensions.

Security detainees are usually not allowed bail and are usually denied access to counsel for 18 days. Access may be denied indefinitely for security reasons if officials believe granting access would impede the investigation. Many security suspects are arrested without warrants. The law permits this for up to 96 hours. Officials at times have declined to confirm detentions to consular officers who have inquired on behalf of nationals of their countries. Denial of notification of arrest to third parties, including immediate family members, is common and under the law can be extended for up to 14 days. Section 78(D) of Military Order 1220 of March, 1988, permits incognito detention for a period of 8 days if a court order is obtained. Despite improvements in record keeping, the authorities had difficulty keeping track of all detainees. At times families of some detainees did not know if or where relatives were being held. Detainees are often not told the reasons for their detention.

The IDF greatly expanded the use of curfews, including confinement to houses, in Palestinian areas where violence had erupted, or where the authorities believed there was potential for violent protests. Curfews, often prolonged, caused severe hardship to all residents.

e. Denial of Fair Public Trial

Palestinians accused of nonsecurity offenses are tried publicly in local courts by Palestinian judges, except when jurisdiction has been transferred by military order. Palestinians accused of security offenses, which are loosely defined under Israeli law, are normally tried in Israeli military courts and are entitled to counsel. Charges are brought by military commanders. In 1988, because of the large number of uprising-related security offenses, the military courts were heavily overburdened with thousands of cases, resulting in long delays before trial. Most military trials

are public, though access is controlled and is limited in some cases; defense attorneys are always present. Consular officers are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Palestinian minors are treated as adults in security offenses. Acquittals are rare in security cases.

The great majority of convictions in military courts are based on confessions. These are recorded in Hebrew, which many defendants are unable to read. There are numerous affidavits that confessions are often obtained by physical and psychological coercion. The 1987 Landau Commission report confirmed such practices on the part of the Shin Bet, as well as systematic perjury before the military courts. There is no appeal of military court verdicts to the Supreme Court, except on broadly interpreted procedural grounds, although the area commander may commute a sentence. The Ministry of Defense has ordered the establishment of a military appeals court by January 1, 1989. Nonjudicial administrative orders of the military government may be appealed to area military commanders and to the Supreme Court. The court almost never reverses CIVAD or military orders when security is the rationale.

Most Israeli residents of the occupied territories accused of security and ordinary offenses are tried in the nearest Israeli district court under Israeli law. These courts are presided over by professional judges, and standards of due process and admissibility of evidence are stricter than in military courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Military authorities may enter private homes and institutions without a warrant in pursuit of security objectives. In 1988 forced entries often resulted in beatings and destruction of property, as well as arrests. Security officials frequently questioned Palestinians about their political views, and such interrogation in some cases involved short-term detention.

At least 154 houses of Arabs were demolished or sealed for security reasons, affecting over 1,000 people. Of the 154, 101 were totally demolished, 7 partially demolished, 43 totally sealed, and 3 partially sealed. Israeli authorities took these actions after the occupants were accused of involvement in security incidents, but prior to trial and conviction. Demolitions sometimes cause inadvertent damage to neighboring houses. The decision to demolish or seal a house is made by the area military commander. In the West Bank village of Beita in April, the IDF demolished 16 houses before obtaining the legally required orders. Twelve of the house owners have accepted the CIVAD's offer of compensation ranging from 10 to 100 percent. The other four are continuing negotiations. The occupants, who are often served with the demolition order only hours before it is to be carried out, have no right of appeal. If they learn of the order in time, they can apply to the High Court for an injunction. In 1988 the court granted temporary injunctions, but overturned no orders. Owners are not allowed to rebuild their homes without a permit, making the punishment one of indefinite duration. House demolition as punishment of families is enforced only against Arabs in the occupied territories. It contravenes the Fourth Geneva Convention in the view of the United States. The Israeli Supreme Court has held it is lawful under proper circumstances.

THE OCCUPIED TERRITORIES

Mail and telephone conversations in the West Bank, Gaza and East Jerusalem are sometimes monitored. In April, Israel cut off international telephone service for Palestinians in the West Bank and Gaza, citing security reasons. The Supreme Court upheld the order. Individuals may appeal to the military commander for special permits for telephone service.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

As part of the effort to halt the uprising, the Israeli authorities imposed increasing restraints on freedom of expression and press in 1988, citing security reasons. Palestinians believe that these restraints are arbitrary and politically motivated. The international law of occupation permits an occupying power to restrict freedom of expression and the press. Some criticism of Israeli policies by the Arabic press, most of which is located in East Jerusalem, was allowed. On at least three occasions there was a temporary ban on the distribution of East Jerusalem's Arab press in the West Bank and Gaza. Palestinian publications are required to submit to the military for precensorship all copy relating to the security, public order, and safety of Israel and the occupied areas. In practice, this requirement is very broadly defined. Some reports and editorials related to the uprising and Palestinian political goals were permitted, but censorship increased, and hundreds of articles and editorials were expurgated. Israeli authorities administratively detained at least 39 Palestinian journalists and editors for alleged security reasons, and numerous others were interrogated. The major Palestinian news agency was closed for 6 months in March, and the order was extended for 1 year in September. An Arabic news magazine was closed indefinitely, and all four Arabic dailies were banned at least once from distribution in the West Bank and Gaza for periods of up to 45 days.

A permit is required for publications imported into the territories. Imported materials may be censored or banned for anti-Semitic or anti-Israel content or support for Palestinian nationalism. Possession of banned materials, such as uprising leaflets, is outlawed. The IDF periodically declared the occupied territories or certain areas closed in order to exclude local and international journalists; IDF personnel in the territories often issued such orders on the scene to bar access by journalists. Reports by foreign journalists are subject to censorship under a system of self-regulation. Israeli authorities temporarily suspended the credentials of five foreign correspondents for alleged violations of censorship regulations.

Israeli authorities closed all Palestinian universities in the West Bank and in Gaza all year for alleged security reasons on grounds that they were contributing to violence. All vocational, secondary, and elementary schools in the West Bank had been closed for over 6 months, the major part of two semesters, but began to reopen on December 1. Schools in Gaza were open for most of the school year. Alternate, off-campus classrooms organized by parents and teachers were sometimes banned on security grounds. Displaying the Palestinian flag or its colors or Palestinian nationalist slogans is proscribed, as is publicly expressing support for the PLO. Individuals have been detained, or beaten, or forced to take down flags and erase nationalist graffiti. Property owners can be fined for not removing graffiti. At present, it appears that no one

has been charged with a crime for this offense. The IDF spokesman has stated that displaying flags or possessing nationalist literature, including intifada leaflets, can be construed as membership in a popular committee, an offense punishable by up to 10 years in prison. There have been no known prosecutions for this offense.

b. Freedom of Peaceful Assembly and Association

Political parties and other groups viewed as primarily political are not permitted. Public meetings of more than 10 people require permission. Palestinians often ignore this, but various meetings were broken up or prevented by the IDF.

In 1988 public services by municipalities and the civil administration were curtailed by a sharp decline in tax revenues caused by strikes, a tax boycott, and economic dislocations related to the uprising. As a result, Palestinian charitable, community, professional, and self-help organizations assumed greater roles to provide alternate services. Israeli authorities took increasingly strict measures to curb such organizations because of concern they were supporting the uprising and the PLO and encroaching on municipal and CIVAD authority. Activities banned included home classes organized because of forced school closures and relief to families with relatives killed, injured, or detained in the uprising. Individuals involved in such activities were sometimes placed in administrative detention, interrogated, or denied permission to travel on grounds they were supporting the uprising. The Association for Defense of Civil Rights in Israel expressed concern over a military order banning "popular committees," local organizations which support the uprising in various ways, including nonviolent activities. The Federation of West Bank Professional Unions was closed for a year, for alleged security reasons.

c. Freedom of Religion

Freedom of religion exists in the occupied territories. No group or sect is banned on religious grounds. Muslim and Christian holy days are freely observed. Both faiths operate various private schools and institutions. Religious publications circulate freely. Israel protects Muslim and Christian holy places and assures freedom of access. Security forces entered the Haram Ash-Sharif, sacred to Muslims, once in 1988 to break up demonstrations. Tear gas was fired into the Al-Aqsa mosque once, but security forces largely restricted their activities to monitoring access of worshipers to the area. Israel facilitates travel into Jordan for Muslim pilgrims to Mecca by expediting exit clearances and extending hours of bridge operation.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement was restricted periodically in the West Bank and Gaza by scores of IDF curfews (the Palestinian legal rights organization al-Haq estimates as many as 1,600), which were often prolonged to discourage protest activities. Durations of curfews ranged from a few hours to several weeks. During prolonged curfews, with one week-long exception, people were usually allowed to leave their houses to obtain food and medical care for short, defined periods. Curfews caused severe hardship.

On at least three occasions, the IDF issued orders, blockaded villages for long periods, or took other measures to prevent farmers and merchants from harvesting and selling produce or exporting it to Jordan. Israeli authorities asserted that the measures were taken to persuade residents to stop stone throwing and other uprising activities or to reveal the whereabouts of suspects.

Approximately 100,000 Palestinians in the West Bank and Gaza travel daily to work in Israel. Workers need permits to stay overnight, but this requirement is not always enforced. Many workers stayed home during general strikes called by the uprising leadership, some because of coercion, but in most cases voluntarily.

Thousands of Palestinians in the territories travel abroad each year, but Israeli authorities imposed increasing restraints on travel in 1988. Some political activists were forbidden to travel abroad by military commanders' orders or faced delays in obtaining exit visas or laissez passers.

There are no obstacles to emigration. Israel sometimes refuses to renew laissez passers of Palestinians from the territories who live or work abroad, on the ground that they have abandoned their residence, although they may not have acquired foreign citizenship. Those who obtain foreign citizenship are ordinarily not allowed to resume residence in the occupied territories. They are permitted to return as tourists only, and sometimes are denied entry entirely. Enforcement of the 3-month limit for tourist visas for stays by Palestinians appears to be ad hoc. Requests for family reunification are granted only on a restricted basis. Persons who marry Palestinians in the occupied territories generally are not allowed to take up residence there. Entry or residency permission is frequently denied spouses, relatives and children, following the emigration of the head of the household. Israel has also denied the return of many former West Bank Palestinians who were not present in the territories, for whatever reason, at the time of the 1968 census conducted after the June War. Palestinians claim many thousands of family reunification requests are pending. According to the Government of Israel, in 1988, 300 applications for family reunifications were approved, involving 607 people. Israeli officials acknowledge that family reunification is limited for demographic and political reasons and assert that the laws of occupation do not require Israel to permit immigration into the territories. Restrictions on residence, reentry, and family reunification do not apply to Jews, whether or not they are Israeli citizens.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The West Bank and Gaza are ruled under occupation by the Israeli Ministry of Defense through a military governor and civil administration. Palestinians are not permitted to participate in significant public policy decisions concerning land and resource use and planning, taxation, trade, and industry. Municipal elections were last held in 1976, and various mayors were dismissed thereafter on security grounds. Only four elected mayors remain. In 1985 Israel appointed Palestinians to fill vacancies, but some have resigned or ceased working because of the uprising, and, in some cases, threats from Palestinians. There was an attempt to assassinate one appointed mayor in 1988. No Palestinian

political parties or overtly political organizations are permitted.

Jerusalem is governed as part of Israel. Arab residents of East Jerusalem are permitted to vote in municipal elections; about 20 percent voted in 1983.

As a result of King Hussein's July 1988 announcement, West Bank Palestinians lost representation in Jordan's Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Israel normally permits international human rights groups to visit the occupied territories. It states that it cooperates with a number of such organizations, and officials are generally available for meetings with international organizations on human rights issues. However, those organizations often consider Israel's responses to be inadequate, not all inquiries receive answers, and some groups' requests for meetings with officials or access to detention facilities have been denied.

The Government of Israel stepped up pressure on indigenous human rights organizations in 1988. Five field workers of Al Haq, a Palestinian legal rights organization, either were detained administratively or had detention orders renewed. In addition, two members of the Palestinian Human Rights Information Center and two Gaza human rights lawyers were detained.

Many local groups, Israeli and Palestinian, are concerned with human rights. Their publications and statements are generally allowed to circulate in the occupied territories. Coordination between Arab and Israeli human rights groups continued to grow in 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Jewish settlers in the occupied territories are subject to Israeli law while Palestinians are subject to Israeli military occupation law. Under the dual system of governance applied to Palestinians and Israelis, Palestinians are treated less favorably than Jewish settlers in the same areas on a broad range of issues, such as the right to legal process, rights of residency, freedom of movement, sale of crops and goods, land and water use, and access to health and social services. Jewish settlers involved in security violations have generally been treated more leniently than Palestinians guilty of similar offenses. Crimes against Israelis are often prosecuted more vigorously than offenses against Palestinians. In June the Supreme Court upheld Israel's authority to deny residency to and deport a Palestinian political activist, born in East Jerusalem, who had acquired foreign nationality. Jews retain residency rights under the Israeli law of return, regardless of having acquired foreign nationality.

The use of land by Israeli authorities for military purposes, roads, settlements, and other Israeli purposes which restrict access by Palestinians, discriminates against Palestinians and adversely affects their lives and economic activities. Approximately 2.5 percent of the total area of the West Bank and East Jerusalem has been turned over to Israeli nationals

for residential, agricultural, and industrial use by settlers. Palestinians do not participate in the Higher Planning Council, which plans land use in the territories and exercises certain powers transferred from local, municipal, and village councils in 1971.

Israel funds basic services for Palestinians, primarily from tax revenues collected in the occupied territories. In 1988 revenues dropped sharply because of the economic disruption of the uprising and a Palestinian tax boycott. As a result, Israel announced cutbacks in regular services to Palestinians. In July fees at government hospitals for Arabs in the territories were doubled, and referrals to Israeli hospitals were curtailed. Israeli settlers have ready access to Israeli hospitals. Palestinians and persons of Arab descent entering Israel at the airport or the West Bank at the Jordan River bridges, regardless of citizenship, are subject to extensive searches, and many complain of harsh or humiliating treatment. Israel limits funds visitors may bring into the occupied territories for Palestinian use to $1,100 per person every 2 months unless Israeli authorities grant permission in advance. Arab residents of the territories returning from travel may bring in amounts over $550 only with advance permission. Undeclared funds were frequently seized from Arab-Americans at points of entry and confiscated. Restitution is taking place. There is no limit on funds for Israeli use.

Section 6 Worker Rights

The applicable sections for West Bank and Gaza Palestinians working in Jerusalem and Israel are contained in the country report for Israel. Palestinian residents of Jerusalem have the same rights and are governed by the same law as workers in Israel.

a. The Right of Association

Palestinians working in the West Bank are covered by the 1960 Jordanian labor law, which permits any group of 20 or more in a single trade or establishment to form a union. In 1988 approximately 100 unions functioned in the West Bank; of these, 31 were licensed by the Israeli Civil Administration. Many are affiliated with one of three umbrella federations. Any person can hold union office who has not been convicted of a crime. West Bank unions must submit lists of candidates to the CIVAD 30 days before elections; a candidate convicted of a political offense may be banned from running for office. Similar rules apply in Gaza.

In 1988 Israeli authorities, citing security concerns, actively discouraged union activities in the West Bank. Israeli authorities state that the West Bank umbrella federations and many individual unions are fronts for illegal political organizations rather than trade unions. Israel claimed that no legitimate union activities were disrupted, and that its actions were intended to prevent illicit political activity.

Palestinian workers in the West Bank have the right to strike. There were no strikes by unions during 1988 on strictly labor issues. The commercial strikes and stop-work actions which Palestinians mounted in the territories came in the wider political context of the uprising.

The West Bank umbrella labor federations have no direct affiliations to any external regional or international organizations.

b. The Right to Organize and Bargain Collectively

Jordanian law applies in the West Bank; Palestinian unions in the West Bank have the right to organize and bargain collectively. Under the prevailing circumstances of the uprising, it is clearly impossible to engage in collective bargaining. Unions have tended to limit their activities to educating workers about their rights, representing them in shop floor disputes, and providing members with health insurance and legal advice. The situation is similar in Gaza, where Egyptian law applies. There are no export processing zones in the occupied territories.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in the occupied territories. Under existing law applicable to the occupied territories, there is no statutory ban on forced labor. Forced labor is, however, banned (except under certain exceptional circumstances) by the Fourth Geneva Convention.

d. Minimum Age for Employment of Children

A 1978 ordinance of the Israeli authorities raised the minimum working age in the West Bank and Gaza to 14 years.

e. Acceptable Conditions of Work

In the West Bank, Jordanian law allows a maximum workweek of 48 hours, except for certain hotel, food service, and cinema employees, whose workweek is 54 hours. There is no minimum wage provision in the West Bank or Gaza, nor is there effective enforcement of the maximum hours law.

JORDAN

Jordan is a hereditary monarchy with a constitution which grants the King broad powers. Although the King forms and dissolves governments and is the ultimate arbiter of policy, the Prime Minister and the Council of Ministers (Cabinet) exercise considerable responsibility over many issues. The Constitution also provides for a bicameral parliament and an independent judiciary. Martial law has been in effect since the 1967 war, which ended with Israel's occupation of the West Bank.

Under martial law, the General Intelligence Directorate (GID) and the Public Security Department (PSD) have broad powers to monitor segments of the population that might pose a threat to the security of the regime. Certificates of good conduct from the GID are needed for all public sector jobs, and for many private sector jobs as well. The GID must also approve any public gatherings or activities sponsored by private clubs and organizations. Under martial law, some persons detained by the security forces have been denied the opportunity to communicate with their families or attorneys for varying periods, sometimes for several months.

Jordan has a mixed economy, with government participation in key sectors--notably communications, transportation, and heavy industry--gradually being reduced as part of the concerted privatization strategy pursued by Prime Minister Zaid Rifai's Government, which was formed in April 1985. Resource-poor Jordan, which in the past received up to $2.5 billion annually in workers' remittances and financial grants from its Gulf neighbors, faces severe budgetary constraints as these revenues have fallen off sharply along with the price of oil. Per capita economic growth has been negative over the last few years, and unemployment is on the rise, particularly among young people leaving school. Increasing foreign debt and trade problems with neighboring Iraq contributed to a crisis of confidence in the dinar and panic selling on local markets. The government has recently taken steps to cut spending and conserve foreign exchange, while continuing to expand its free market policies, but still faces in the short term a major shortage of reserves. Mobilizing resources to fight the North African locust invasion, now threatening adjacent Yemen and Saudi Arabia, has placed an additional economic burden on Jordan.

In July the King dissolved the lower house of Parliament, in which half the seats were reserved for West Bank representatives. This action, which limited democratic participation in the political process at the national level, was carried out primarily to sever Jordanian legal and administrative ties to the West Bank. The principal human rights problems in 1988 were the absence of political parties, persistent government intervention in the press, the continuance of martial law, and the scope of powers exercised by the police. On the positive side were the trend toward increased opportunities for women and the continuation of an independent judiciary.

JORDAN

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The Government does not sanction political killing. Although there have been political killings by nongovernmental groups in the past, there were none in 1988. Summary executions do not occur in Jordan.

b. Disappearance

No disappearances were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence that the Government condones or practices torture, although there have been reports that detainees have been ill-treated by the security authorities. Amnesty International (AI), in its Report covering 1987, noted that it continued to receive reports of torture, especially in the Amman headquarters of the GID but also in the Zarqa Military Prison. Jordanian law provides for the decent treatment of prisoners, and judicial authorities have been known to dismiss cases based on apparent mistreatment of prisoners. According to AI, a number of political prisoners were reportedly beaten in October in Al Swaqa prison, one of whom is said to have been flogged. In May 1985, the Director of Public Security established a special office to handle any public complaints of abuse by security officers and promised to punish offenders. Prisons are inspected by the International Committee of the Red Cross.

d. Arbitrary Arrest, Detention, or Exile

Although Jordan has been under martial law since 1967, most persons are placed in custody by Jordanian authorities in accordance with the criminal code, which requires imposition of charges within 48 hours. Persons may then be detained pending trial for 15 days, or longer if a court approves the prosecution's request for an extension. The criminal code is generally applied to persons arrested for designated martial law crimes, which include espionage, bribery of public officials, trafficking in narcotics or weapons, black-marketing, and security offenses. In the past, security forces have apparently detained incommunicado (or with limited outside access) some persons suspected of cross-border infiltration and security crimes. The GID can detain a person without trial for varying periods, but under martial law provisions such arrests should be confirmed within a maximum of 15 days by the Prime Minister, or by local administrators serving as military governors. Security detainees can be held without charge for indeterminate periods or can be charged formally and brought before the martial court for trial.

In 1988 there were reports of numerous arrests of Jordanians suspected of organizing rallies in support of Palestinians in the West Bank and Gaza. These detainees were generally reported to have been held--some of them incommunicado--and interrogated at the GID Headquarters in Amman for a few weeks to a few months. In its report, AI also reported some politically motivated arrests in 1987, mostly by the GID, and

that although some detainees were held and released after a few weeks, others were still held without charge at the end of the year.

Military prosecutors who made improper arrests or detentions have been disciplined and transferred to positions of lesser responsibility. A petition to review the legality of a person's detention may be brought before the High Court of Justice, but it is unlikely to be granted in security cases.

Exile is forbidden by the Constitution and is not practiced. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

All criminal cases, except martial law crimes and crimes committed by military personnel, are tried in civilian courts. The legal code and the independent selection of judges help to assure a fair trial. Trials are held in open court, except in a few cases such as those involving sexual offenses. Defendants are presumed innocent until proven guilty and have the right to be represented by counsel, to prepare a defense, to cross-examine witnesses, and to refrain from giving self-incriminating testimony. The court appoints a lawyer for those who cannot afford one if the potential sentence is execution or life imprisonment. An effective appeals process may be utilized by either the defendant or the prosecution, except in those cases tried before the Martial Law Court, which has no provision for appeal.

Civilian judges must demonstrate legal competence in written and oral examinations to be selected by a board composed of the Undersecretary of the Justice Ministry, the Chief Attorney General, and three judges. A procedure exists for disciplining judges accused of serious transgressions of the law, i.e., "bad conduct." Penalties for those found guilty range from payment of fines to removal from office.

Martial law crimes are adjudicated in a military court before a panel of three military officers trained in the law. In practice, the military court observes the law of criminal procedure and defendants are given the same rights as in a civilian court. However, AI has expressed concern that trials by the martial law court fall "below international standards for fair trial." No right of appeal exists from decisions of the military court, but sentences of the court for martial law offenses must be ratified by the Prime Minister in his capacity as Military Governor. He has the authority to increase, reduce, or annul the sentences. The cases are reviewed for fairness by a legal advisor or the Justice Minister before the Prime Minister makes a decision. The military court also adjudicates all crimes committed by military personnel. In these cases, the Commander-in-Chief of the armed forces must ratify the sentences. There have been reports of the detention of persons for political reasons under the martial law regime. Government sources estimate that there are approximately 20 such detainees.

Religious courts have jurisdiction over most family matters, including marriage, divorce, child custody, and guardianship. The Shari'a (Islamic religious law) applies to Muslims in these areas, and a Shari'a court system handles disputes. Ecclesiastical courts handle similar matters for members of the main Christian sects. The civil courts administer the

cases of other religious groups. Shari'a law, however, must be applied to questions of inheritance for all communities.

Some Palestinian residents of the West Bank have been sentenced to death in Jordan based on a Jordanian law permitting trials in absentia for selling West Bank land to Israelis, but these sentences have never been carried out. When eventually arrested, individuals convicted in absentia have been given new trials.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Jordanian authorities respect the inviolability of the home. Police searches of homes require warrants, except in rare cases involving security or the hot pursuit of fleeing suspects. It is believed that security personnel sometimes monitor telephones and correspondence, but the practice is not believed to be widespread.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution safeguards freedom of speech and press, but permits limited media constraints under martial law. Jordanians freely express wide-ranging opinions, including criticism of the Government, in informal settings. Public debate is less pronounced in the state-owned radio and television networks, as well as in the privately owned (but government-influenced) press, where self-censorship persists. The Government frequently gives editors guidance on key foreign policy and security matters. Government interference on other issues is sporadic, and commentary critical of the regime, though tolerated, is limited. In 1988 the Government used emergency economic powers to reorganize the boards and management of Jordan's major privately owned newspapers. Although billed as a move to improve financial management of the newspapers, the reorganization increased governmental control over editorial output.

Western correspondents and resident Western writers have occasionally expressed concern over government interference with freedom of the press, and some local editors reportedly have complained that they are prevented from covering stories considered "sensitive" by the Government. Individual reporters who fail to follow guidelines on dealing with sensitive issues have had their credentials lifted for several months, not been allowed to use a byline, been "blacklisted" by editors, and, in at least one case in 1988, not been allowed to travel outside Jordan. An American correspondent was expelled for a television political feature that the Government found objectionable. Currently all journalists must register with the Information Ministry and join the Journalists Association. Foreign newspapers and magazines are widely available, although subject to censorship.

b. Freedom of Peaceful Assembly and Association

Public demonstrations require a permit, rarely granted, from the Interior Minister. All organizations require government approval and may not have political objectives. Government surveillance of public meetings, university activities and organization gatherings is routine. Professional associations of doctors, engineers, lawyers, pharmacists, and similar groups

exist. Professionals must join these associations in order to practice. The associations maintain influence with the Government in their respective fields and defend the interests of their members. Officers are elected by the membership.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The state religion, Islam, is practiced by well over 90 percent of Jordanians. However, the Government adheres to the constitutional guarantee of freedom of worship. The Christian minority (approximately 10 percent) is indigenous and holds senior government positions in numbers far exceeding its proportion of the population. There appears to be little discrimination against most religious minorities, who are well represented at all levels in the Government, military, and business community. Laws making harassment of religious minorities a crime are enforced. A variety of Christian groups--including Catholic, Orthodox, Armenian, and Protestant --maintain churches, schools, hospitals and other institutions. A small Baha'i community also exists. A few foreign clergymen reside in Jordan. Although proselytizing among Muslims is forbidden, conversion by Muslims is not a criminal offense.

The only religious group restricted by the Government is the Jehovah's Witnesses. There is no objection to the Witnesses' doctrine, but it is illegal for them to organize or assemble in Jordan. Their religion prohibits them from taking oaths of allegiance, saluting flags or serving in the military, and these restrictions are perceived as evidence that Witnesses are unreliable and disloyal. Some observers believe that government opposition to the Witnesses is motivated by political rather than religious considerations. All religious groups must register with the authorities to obtain official approval. However, a few denominations have failed to register but are nonetheless permitted to practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within Jordan is unrestricted, except in certain military zones. The Government does not restrict Jordanians' emigration or foreign travel, with the exception of some military personnel and reservists who need permission for foreign travel. A woman must present the written consent of her husband, father, or male guardian to obtain a passport, and may be required to present the same type of permission when she wishes to travel abroad without her husband. Children must have their father's consent to leave Jordan. Citizens who have left Jordan have the right to return. There are no reported cases of revocation of citizenship for political reasons. The Parliament recently passed legislation allowing Jordanian citizens to have dual nationality. Some citizens returning to Jordan, particularly those who have traveled to Communist countries, are questioned by the GID.

Jordan has faced a long-term refugee problem from the influx of Palestinians made homeless by the 1948 and 1967 Arab-Israeli wars. Palestinian refugees and their descendants registered with the United Nations Relief and Works Agency (UNRWA) on the East Bank total approximately 850,000, including 206,000 living in refugee camps. This figure includes refugees from the 1948 Arab-Israeli war, but does not

include a large but undetermined number of other persons from the West Bank, Gaza, and Israel who have settled in the East Bank since 1948. All Palestinian refugees residing in Jordan prior to August 1988 can obtain fully valid Jordanian passports, and have the unrestricted right to live, work, and own property in Jordan. Palestinians residing on the West Bank may obtain passports valid for 2 years. The Government also issues temporary Jordanian passports to between 26,000 and 27,000 Gazans residing on the East Bank who are able to prove they were displaced prior to 1971. Jordan is unique among Arab states in having granted full citizenship to all Palestinians on the East Bank, i.e., to a refugee population exceeding its own indigenous population at the time. The Interior Minister routinely grants permits for travel between the East Bank and Israeli-occupied territories. Jordan has granted asylum even in cases which have strained relations with neighboring states.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Jordanian citizens, although constitutionally entitled to elect members of the lower house of Parliament, are not ultimately in a position to change their government. Executive and legislative powers are constitutionally vested in the King, who rules with the assistance of an appointed Council of Ministers. The Constitution may not be amended without the approval of the King. Parliament is composed of an appointed Senate and an elected lower house. It is overshadowed by the executive branch, but has the right to propose laws and approve (or reject) treaties and laws proposed by the Council of Ministers. King Hussein dissolved the lower house by Royal Decree on July 31.

The Constitution also gives the King broad scope to postpone the election of a new lower house or to recall the previous one. Since the Parliament was dissolved as part of a policy to sever Jordan's ties to the West Bank, it is unclear when and under what form the lower house of Parliament might be reconstituted. Reconvening Parliament or holding elections without West Bank representation would require amending the existing election law. Although the Ministry of Interior has announced that this process is under way, there is little public expectation of elections in the near future.

Most municipal and town councils are elected by popular vote. The person receiving the highest number of votes is traditionally confirmed as mayor by the Minister for Municipal Affairs, and then by the Prime Minister. Women were enfranchised in 1973 and may also run for public office. King Hussein appointed female cabinet ministers in 1979 and 1984 and has encouraged the participation of women in the political process. At the time the King dissolved Parliament, there were no women serving in it or in the Cabinet. Organized political parties are not permitted, although several informal political groups operate openly. All persons seek elected office as independents. The Communist Party is banned.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In its 1988 Report, AI reported bringing its concerns about human rights abuses to the Government's attention throughout 1987, and receiving several official replies in which certain

allegations were denied. In March 1987, AI delegates visited Jordan to investigate alleged abuses. In December AI gave the Government a memorandum on torture and ill-treatment of detainees.

The Government is generally responsive to inquiries on individual human rights cases. Representatives of foreign embassies and organizations such as the International Committee of the Red Cross are allowed access to prisoners and detainees, and the Government has occasionally responded positively to recommendations from such representatives. The Jordanian lawyers' professional association has a human rights committee, but it is relatively inactive. Other local organizations and ad hoc groups also occasionally issue statements and petitions on such human rights concerns as Palestinian rights and the ban on political parties. Jordan has played an active role in the U.N. Human Rights Commission, and the Crown Prince is a cofounder of the Independent Commission on International Humanitarian Issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The role of women in Jordanian society continued to change in 1988. Women now account for half the student body at the University of Jordan. A vocational training center in Amman now teaches women to repair radios, televisions, and office machinery. Women today comprise about 20 percent of the labor force, compared to 4 percent in 1975. They participate generally in subordinate positions and most heavily in clerical, teaching, and administrative jobs. However, the number of women in such professions as medicine, engineering, banking, and architecture has increased significantly. Women also now serve as police officers, and two female Jordanian pilots fly for Royal Jordanian Airlines, which qualified its first woman airline captain before any U.S. airline. More women also operate businesses than in the past.

Although equality between men and women is the legal norm, in practice certain traditions constrain women's freedoms. Entry of women into professional and academic realms, traditionally the preserve of men, can spark resentment and opposition. In matters of inheritance and divorce, women have distinctly inferior status. Under Islamic law, sons inherit twice as much as daughters. However, while a son is required to use his inheritance to support his mother and sisters, a daughter retains her inheritance for herself. Likewise, a man may obtain a divorce more easily than a woman, but he may be required to pay considerable compensation based on the marriage contract. A recent divorce reform law increased compensation for women who experience arbitrary divorce. Women may also gain and retain custody of children until their legal majority, but they may lose custody if they remarry or choose to live outside the country.

Section 6 Worker Rights

a. The Right of Association

Jordanians are free to join labor unions. About 20 percent of the Jordanian work force is unionized. Seventeen unions comprise the Jordan Federation of Trade Unions (JFTU), and there are several other unions which do not belong to the JFTU. Unions have virtually no political role and confine themselves to representing their membership in such areas as

wages and working conditions. Their effectiveness varies widely. The JFTU actively participates in meetings of organizations such as the International Labor Organization. Strikes have occurred in the past, but none took place in 1988. Strikes are permitted only if the Ministry of Labor fails to act to arbitrate a labor dispute within 2 weeks after receiving a complaint from a union. Government employees, who compose about half of the labor force, may not legally strike.

b. The Right to Organize and Bargain Collectively

The 17 unions which comprise the Jordanian Federation of Trade Unions (JFTU) function freely and without government interference or antiunion discrimination, in accordance with Article 23 of Jordan's Constitution. The JFTU recently rejoined the International Association of Arab Trade Unions (IAATU). The officers of each union, as well as the JFTU executive committee, are elected annually by secret ballot. JFTU member unions regularly engage in collective bargaining with employers. Negotiations cover a wide range of issues, including salaries, safety standards, working conditions, and health and life insurance for workers and their families. If a union is unable to reach agreement with an employer, the issue is referred to the Ministry of Labor for arbitration. In fact, union-employer-government relations are generally tranquil, so arbitration is rarely required.

c. Prohibition of Forced or Compulsory Labor

Compulsory labor is forbidden by the Constitution and is not practiced.

d. Minimum Age for Employment of Children

Children under age 16 are not permitted to work except in the case of professional apprentices, who are allowed to leave the standard educational track and begin part-time (6 hours a day, no night shifts) training at age 13.

e. Acceptable Conditions of Work

Jordan's workers are protected by a comprehensive labor code, enforced by 30 full-time Ministry of Labor inspectors, with other Ministry employees augmenting the staff on a part-time basis. Duty-free trade zones are in operation at Zarqa and Aqaba, governed by the same labor provisions that apply country-wide. Jordan has no minimum wage at present. Maximum working hours are 48 hours per week, except for hotel, bar, restaurant, and movie theater employees, who can work up to 54 hours. Workers are entitled to a weekly day of rest, rest breaks during the workday, 2 weeks' annual paid leave, 2 weeks' annual sick leave and severance pay. The law specifies health and safety requirements, including bathrooms, drinking water, and safety equipment for workers. The Government appears to administer and enforce its labor laws fairly. It has created an occupational and public safety committee, which studies international safety practices, recommends standards and conducts public awareness campaigns. Jordan also has a workers' compensation law, and social security covers all companies with more than five employees.

KUWAIT

For over 200 years Kuwait's Amirs, drawn from the Al-Sabah family, have traditionally governed in consultation with prominent commercial families and other community leaders. The 1962 Constitution, adopted after Kuwait gained full independence from the United Kingdom, provides for an elected National Assembly and details the powers and relationships of the branches of government and the rights of citizens. However, the Amir can suspend any or all provisions of the Constitution by decree. The majority Sunni community has experienced an Islamic revival, but the Government has rejected calls for adoption of a legal code based on Islamic law. The National Assembly, when functioning, has been permitted a degree of consultation with the ruling family and served as an outlet for popular expression, including criticism of the Government. However, the Assembly was dissolved from 1976-1981, and again in 1986 when the Amir cited a breakdown in executive and legislative branch cooperation at a time when the nation faced serious economic and security problems. Since then, the Amir has ruled by decree. The Amir has stated that Kuwait will not abandon its parliamentary process but has not indicated when the Assembly might be reconvened. In addition to suspending the National Assembly, the 1986 decrees imposed prior censorship on the press and added to existing restrictions on the political and civil rights of all Kuwaiti residents. The Government, however, rarely violates the integrity of the individual. There is an independent judiciary.

Kuwait maintains a small military force that includes army, navy, air force, and national guard units. The coast guard, frontier forces, and civil defense units are under the Interior Ministry. Kuwait's security apparatus is also centered in the Interior Ministry, whose Criminal Investigation Department (CID) is responsible for ordinary criminal cases. The Ministry's office of Kuwait State Security (KSS) is charged with investigating internal security-related offenses. Both are active in investigations of terrorism and both work in collaboration with the uniformed police. The security organizations can deport foreigners summarily.

Kuwaitis are a 42-percent minority in their own country, accounting for only about 764,000 of the 1.8 million population. Kuwaiti citizens are around 70 percent Sunni Muslim; the remainder are mostly Shi'a Muslim, although there is also a tiny community of Christians. The majority of Kuwait's inhabitants are noncitizen expatriate workers, including a Palestinian community of about 300,000, many in their second generation. Non-Kuwaitis are given due process under the law but have few other civil and political rights.

The people of Kuwait enjoy a high standard of living, with an estimated per capita gross national product of $9,960 in 1987. Most of the country's income derives from oil production and commercial investment.

Kuwait's leadership in 1988 continued to face increasing Iranian-inspired subversion, a result of the Iranian revolution and the Gulf war. Measures adopted by the Government to combat terrorism led to increased restrictions on the rights of Kuwaiti citizens. The State Security Court

conducted trials of Kuwaiti citizens, mostly Shi'as, for bombings and subversive activities. Some defendants sentenced to death remain in prison, but the majority tried were acquitted.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of government-instigated killings, but two persons died in terrorist incidents in 1988. On May 18, a car bomb exploded in downtown Kuwait, claiming the lives of two Kuwaitis suspected of transporting the bomb toward a nearby Kuwait airways office.

b. Disappearance

There were no reported disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Unofficial but knowledgeable sources in both the Sunni and Shi'a communities believe that authorities have tortured at least some of the 12 Kuwaiti Shi'as arrested in January and February 1987 for involvement in the bombing of oil facilities. There are reports that senior officials, on learning of the torture and mistreatment, ordered that such practices be stopped. In its 1988 Report covering 1987, Amnesty International (AI) expressed concern about allegations it continued to receive of torture and ill-treatment by the State Security Intelligence Agency, and the torture of 9 of the 12 Kuwaiti Shi'as, arrested in 1987, in the Kuwait Central Prison. AI in May reported it had received reports of the death in custody of a Pakistani national and allegations that the death resulted from torture. Kuwaiti authorities did not respond to AI's requests for further information on the case. Alleged methods of torture included beatings while blindfolded, electric shock, sexual assault, alternate dousing with cold and hot water, threats of death or deportation, and threats against relatives.

In routine criminal cases, police and security officials occasionally use physical violence when interrogating persons suspected of committing criminal acts. These incidents do not appear to be systematic or condoned. Non-Kuwaitis are more likely to receive rough treatment than Kuwaitis, and the seriousness of the suspected crime also appears to play a role. Evidence of mistreatment during interrogation is a defense in Kuwait's courts, and confessions or other evidence obtained through torture are not admissible. The courts often hold police officers to account for abuses. AI's 1988 Report cites the criminal court conviction of three CID members charged with torture of a detainee accused of theft.

Kuwait's prisons are managed along modern lines, with facilities for inmates' recreation and vocational training. By and large, guards treat inmates humanely, and the Government provides food and other necessities. However, there have been credible reports of occasional beatings. Prisoners, including convicted terrorists held in maximum security facilities, are allowed to receive family and

International Red Cross visits. Young offenders, few of whom are imprisoned, are separated from persons charged or convicted of serious crimes. There is no policy of discriminatory treatment among prisoners for racial or religious reasons. There are credible reports of substandard conditions in detention centers where expatriates facing deportation are typically held for several days prior to their departure.

Kuwait's legal process, based primarily on the Napoleonic Code, is also inspired by Islamic law, but punishments such as mutilation or stoning are not permitted.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and imprisonment are prohibited by the Constitution. In 1988 there were no reports of persons being detained for political reasons, and no reports of arbitrary detention. The penal code affirms a person's right to due process and stipulates that a detainee may not be held for more than 4 days without charge. A prosecutor's approval is required for detention periods beyond 24 hours. Thereafter, the suspect either must be released or charged by a prosecutor, who may authorize detention for up to an additional 21 days. Further detention pending trial may be authorized by a judge. Warrants are required unless a person is apprehended in the act of committing an offense. These legal safeguards are generally observed, with arrests being made openly and for specific violations of law. Reports of incommunicado detention are rare. Roadblocks and spot checks of outdoor gatherings of expatriates, especially of South Asians, are used sporadically by the police during searches for illegal immigrants and contraband liquor. Persons without proper identification may be detained by the police.

No Kuwaiti citizen may be exiled or denied return to Kuwait. However, a noncitizen, even if a long-term resident, may be summarily expelled without charge or judicial recourse if the authorities deem him a troublemaker or security risk. The number of expatriates deported has declined since 1986, when approximately 27,000 were expelled as part of a sustained security crackdown in response to a terrorist attack on the Amir's motorcade in May 1985. As in previous years, the vast majority of the estimated 15,000 deportations in 1988 were based on immigration or residency violations.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Kuwait's judicial system is independent and, except for the State Security Court, provides for public trials and the right of appeal. Judges are appointed by the Amir on the recommendation of the Justice Ministry. Kuwaiti nationals serving as judges usually receive lifetime appointments, while the many non-Kuwaiti judges serve under 1- to 3-year contracts, which are renewable. Judges may be removed by the Justice Ministry for cause, but such removal is rare.

By law, all defendants in felony cases must be represented by attorneys, court-appointed if necessary. In cases of misdemeanors, which include crimes punishable by less than 3 years' imprisonment, legal counsel is optional, and the court is not required to appoint a defense attorney. The courts give consideration to defendants' allegations of police

mistreatment in reaching verdicts and sentencing. Defendants tried in absentia have the right to an additional appeal. There are no reports of government interference in judges' issuance of verdicts or of discrimination against defense counsel. Translation of court proceedings, to ensure that they are understood by non-Arabic-speaking defendants, is sometimes inadequate.

Defendants' rights are not always fully respected in the State Security Court, which convenes on an ad hoc basis to handle cases deemed of an internal security nature. Composed of judges normally serving in other courts, this tribunal conducts its proceedings in closed sessions; its judgments are not subject to appeal. Defendants are permitted to have an attorney, who is allowed to conduct an active defense on behalf of the accused. The Amir has yet to approve the death sentences handed down to 6 defendants in the 1987 trial of 16 Kuwaitis for oil field bombings in 1986, just as he has failed to approve previous death sentences mandated by the Court for terrorist attacks, including for an attack on the Amir himself in 1986.

According to the Constitution, military courts have jurisdiction only over offenses committed by members of the armed or security forces, except during periods of martial law (which has never been declared in Kuwait). The Amir has the power to pardon or commute sentences passed by either civilian or military courts and does so through the publication of an annual list of commutations following Kuwait's Independence Day, February 25. In 1988 the Amir's commutations covered the release of 218 prisoners held for common crimes and reduced sentences for 474 others. The commutations did not apply to terrorists or others convicted by the State Security Court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to individual privacy and sanctity of the home is provided for in the Constitution and generally respected in practice. Search warrants are required, unless the police are in hot pursuit of a suspect fleeing the scene of a crime or there is an indication of the presence of alcohol or illegal narcotics. Search warrants to enter premises are issued by a public prosecutor. Expatriates, and particularly common laborers and servants who live in accommodations provided by their employers, may have their premises searched by the police with authorization only of the employer. Items arriving by mail for personal or institutional use are not usually opened before delivery unless the contents are suspected of being pornographic.

In 1986 the Government restricted Kuwaiti males' right to marry foreigners, decreeing that official approval in advance would henceforth be required. The Government's action apparently was motivated by concern over how to meet its reponsibilities toward the children of non-Kuwaiti spouses residing outside the country. The Government, and the public at large, were also concerned about the growing number of Kuwaiti males marrying foreigners rather than Kuwaiti nationals.

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Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Constitutional provisions respecting these freedoms are often subject to such conditional phrases as "in accordance with conditions and manner specified by law." The Kuwaiti or foreign resident feels free to offer his opinion in private without fear of official retaliation. However, no one may make a written or public attack upon the Amir and the ruling family, upon Islam, or upon leaders of Arab states. Kuwait has an active censorship department, which reviews all books, films, videotapes, periodicals, and other material entering Kuwait in bulk or for commercial purposes. Radio and television are government owned and controlled.

The Amir's July 1986 decrees that amended the press law to impose prior censorship on the Kuwaiti press and otherwise tighten press curbs remain in effect. These decrees also authorized the Government to suspend for up to 2 years any publication found to be serving foreign states or organizations, receiving assistance from foreign sources without the approval of the Information Ministry, or publishing material conflicting with Kuwait's national interests. The revised censorship regulations also toughened existing penalties for violators, prescribing prison sentences of up to 3 years and fines up to $17,000 for offending publishers, editors, and journalists.

As before, the press was forbidden to publish material that contained direct criticism of the Amir and the ruling family, involved official confidential communications or treaties and agreements with other states, might disturb relations with Arab and friendly states, or, in a final category, "might incite people to commit crimes, create hatred, or spread dissension among the people." Prior to the Amir's decrees there was selective enforcement of the list of proscribed topics; violators were usually only issued warnings. Since July 1986, however, government censors have reviewed press items before their publication and ensured compliance by excising offending material or having it rewritten. There were no reports in 1988 of journalists arrested or journals confiscated. The daily Al-Rai Al-Aam was suspended for 1 day in February and 3 days in March 1988 for censorship violations, in the latter case for publishing a speech delivered by its editor critical of censorship. An estimated 15 foreign journalists residing in Kuwait and associated with local newspapers were summarily deported in 1986, following the July decrees. There were no reports of deportations in 1987 or 1988.

Since the July 1986 decrees, senior government officials have held periodic meetings with Kuwait's chief editors. At a meeting in March, the Information Minister urged the editors to avoid sensationalism and warned that he would not hesitate to order the temporary closure of a newspaper for "something offending the homeland and its relations, or the security and stability of its citizens." By law, publishers lose their license, issued by the Information Ministry, if their publication does not appear for 6 months. On those topics not proscribed by censorship, the Kuwaiti press is vigorous and publishes a variety of opinions on numerous Middle East and international issues.

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Academic freedom is generally respected, within the same bounds that apply to the press. According to reliable unofficial reports, an academic was detained for several days in February 1988 by security forces, then released, following his publication abroad of a study perceived to be critical of the ruling family of another Gulf state.

b. Freedom of Peaceful Assembly and Association

Political parties are banned. Political activity finds some outlet in informal family-based social gatherings known as "diwaniyyas." The Constitution affirms the right to private assembly, public meetings, processions, and gatherings which are peaceful and not contrary to public morals. However, any group of more than three people desiring to meet for public discussion (or to meet privately, but to issue a public statement) must receive prior permission from the Ministry of Interior. The authorities may prevent such an assembly merely by ignoring the request.

Professional groups, bar associations, and scientific bodies are permitted to establish international contacts without government interference. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution declares that "freedom of belief is absolute," but must not "conflict with public policy or morals." Kuwait's state religion is Islam; the Shari'a (Islamic law) is, according to the Constitution, "a main source of legislation." The ruling family and most of the prominent Kuwaiti families are Sunni Muslims. There is no overt official policy of discrimination against Shi'a Muslims, who constitute about 30 percent of Kuwait's population. However, Shi'as are less likely to be appointed to sensitive government positions. There are credible reports of Shi'a employees in the oil industry in 1987 losing their jobs or being denied promotion following the series of oil field bombings, attributed to Shia's. Kuwait has a tiny Arab Christian minority; there are a number of expatriate Christian congregations and churches. Expatriate practitioners of Eastern religions (e.g., Hindus, Sikhs, and Buddhists) not recognized by Islam are not allowed to establish places of worship but may worship privately in their homes. Proselytizing of Muslims by non-Muslims is prohibited.

In recent years, pressure from Islamic groups has resulted in the National Assembly's barring the granting of citizenship to non-Muslims, prohibiting all importation of alcoholic beverages, and repeatedly attempting to establish Islamic law as the basis for all legal process. Assembly members also pressured, with some success, to separate the sexes in the classrooms and other facilities at "integrated" campuses of Kuwait University. The Government accommodated the National Assembly's demands for the application of some fundamentalist principles but blocked attempts in the Assembly to apply Islamic law across the board. Commercial law, for example, is based on Western practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally are free to travel inside and outside the country, to emigrate, and to return. There is some

restriction on foreign travel for young men who have not completed, or been exempted from, their compulsory military service. Those serving in the military must receive permission from the Defense Ministry before traveling abroad. Although there are no different legal standards regarding the internal or foreign travel or emigration of Kuwaiti women, in practice husbands can prevent their wives and minor children from leaving the country.

There have been instances in which citizens' passports have been suspended temporarily. Generally, this has applied to criminal suspects. Representatives of societies, associations, and trade unions wishing to travel to and participate in international meetings must receive prior permission.

Although the Constitution states that "no Kuwaiti may be deported from Kuwait or prevented from returning thereto," some persons have been stripped of Kuwaiti citizenship and deported. In some cases, such action has been based on the voluntary acquisition by the individual of foreign citizenship. In other cases, individuals of Bedouin origin, with legitimate claims to citzenship in other states, who claimed Kuwaiti nationality in order to take advantage of various benefits accruing to citizens, lost their Kuwaiti citizenship. In September the press reported that the Government deprived 65 persons of their citizenship. One of these individuals lost his citizenship following an appearance before the State Security Court; the others reportedly had acquired their citizenship "on an unsound legal basis." In 1987 an amendment to Kuwait's nationality law made it easier to withdraw citizenship from naturalized Kuwaitis for criminal activity.

All non-Kuwaitis over the age of 21 residing in Kuwait must be sponsored by a Kuwaiti citizen. Kuwait does not extend permanent residence to its expatriate population, and 1987 amendments to the alien residence law mandate stiffer penalties--fines and, in some cases, prison sentences--for expatriates who reside in Kuwait illegally or are not properly documented. Employers have the power to restrict both job mobility and the continued residence in Kuwait of their expatriate employees. Many expatriates (including some government employees) must surrender their travel documents to their employers, thus preventing them from leaving the country without the employer's consent. Those employed by government agencies are given residence visas which require an exit permit or "no objection" letter in order to leave the country. In accordance with the law, non-Kuwaitis convicted of crimes are routinely deported after serving their sentences.

Illegal entrants to Kuwait are normally returned to their home countries. Exceptions have been made for those, mostly Iranians and Afghans, who are considered by the Government to be legitimate refugees. Some of these persons have been permitted to remain in Kuwait or have been sent to third countries. While most members of Kuwait's large Palestinian population have Jordanian passports, others are stateless and carry Lebanese or other Arab laissez-passers. In recent years, the Government has indicated that laissez-passer holders could stay even without sponsors. Palestinian youths over 21 years of age who travel or study outside Kuwait often have difficulty rejoining their families in Kuwait.

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Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Kuwait has no formal democratic institutions. Consequently, most of its citizens do not have a say in the choice of leaders or in changing the political system. The Al-Sabah have ruled Kuwait for over 200 years. The 1962 Constitution limited succession to descendants of Mubarak the Great, the ruler at the turn of this century. In practice, the ruler and senior family members choose the Crown Prince from either the Al-Jaber or the Al-Salim branch of the Al-Sabah. Under the Constitution this choice is confirmed by majority vote of the National Assembly. Executive power is vested in the ruler and, under him, in an appointed Council of Ministers, currently numbering 24, headed by the Crown Prince, who traditionally doubles as Prime Minister.

At independence Kuwait inaugurated a National Assembly composed of 50 deputies elected by secret ballot, plus cabinet members sitting ex officio. The electoral law provides that candidates for the National Assembly be self-nominated, with multiple candidates permitted to compete for the 50 seats. A "grandfather clause" effectively limits suffrage to adult males who resided in Kuwait before 1920 and maintained a residence there until 1959, and their adult male descendants. In 1986 the National Assembly approved an amendment to the 1966 Nationality Law that delayed for 10 years, until 1996, the granting of voting rights to Kuwait's so-called "second category" citizens. The latter are certain long-time Arab and non-Arab residents who do not meet the "pre-1920" qualification. The Nationality Law was further amended in 1987 to extend from 20 to 30 years the period that naturalized Kuwaitis must wait before acquiring the right to vote. Efforts since 1982 to gain suffrage for women have been unsuccessful. Distinctions made on the basis of parentage, length of residence, and gender appear to establish a limited class of citizenship which restricts participation in the political system.

The dissolution of the National Assembly, decreed by the Amir in July 1986, remains in effect. The 1986 decrees also suspended various constitutional provisions, including article 107, which specified that, within 2 months of the Assembly's dissolution, either special elections be held for a new Assembly or the dissolved one be reinstated. The Assembly was previously dissolved in 1976 and reinstated in 1981. In the Assembly's absence, the Amir rules by decrees having the force of law.

The Assembly's 1986 dissolution represented a setback for citizens' political rights. Far from being a rubber stamp, it had served over the years as an important forum for the expression of diverse political views, some sharply at odds with those of the Government and not all serving the cause of civil and human rights.

There are reports of former parliamentarians petitioning the Amir in 1987 and 1988 for the Assembly's restoration. In 1987 the Government established an appointive consultative body, the Supreme Planning Council, and named to it members of the dissolved Assembly as well as Islamic religious leaders, government ministers, and other prominent personalities.

Informal contacts between rulers and ruled are an important feature of the Kuwaiti political system. Traditionally, adult

male Kuwaitis have had relatively easy access to their leaders, including the heads of the prominent merchant clans and the ruling family itself, through the system of "diwaniyyas," informal family-based discussion groups to which anyone can come and freely speak his mind. That custom has endured, as has the tradition that the Amir should govern in consultation with the other community leaders. Following the Assembly's dissolution in 1986, cabinet ministers instituted the practice of setting aside several hours a week to receive the public in their offices.

While most male Kuwaiti citizens can participate directly or indirectly in the political process, noncitizens, who outnumber Kuwaitis by three to two, have no role. Kuwait has been reluctant to extend citizenship to those of non-Kuwaiti origin, with the exception of certain stateless Bedouin. Naturalization of even Kuwait-born persons is rare.

Citizenship has been extended only to a few Palestinian families who made significant contributions to Kuwait before the early 1970's. The Government has established a committee to revise criteria for granting citizenship, but to date it has been without effect. Expatriates seldom engage in political activities for fear of exposing themselves o possible deportation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has permitted visits by representatives of international human rights organizations. In its 1988 Report, Amnesty International (AI) cites discussions in 1987 with Kuwaiti officials on imprisonment of persons who may have been imprisoned for political reasons; on allegations of torture and death resulting from torture; and alleged cases of deportations to countries where deportees feared persecution. Despite promises from authorities to provide information, and subsequent AI correspondence, the organization reports that no substantive reply was received to any of its communications.

Some prominent Kuwaitis are members of international human rights organizations, such as the Arab Organization of Human Rights. There are no human rights groups in Kuwait, but the Government has an in-house council on human rights, composed of senior officials and working-level experts.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Kuwaiti women are allotted a subordinate role by statute and practice. Denied the vote, women are also limited by tradition from freely choosing their role in the society, though less so than in some other Islamic countries. Nevertheless, there are Kuwaiti women who are outspoken in their demand for a broader role in society. In contrast to the practice in some neighboring countries, a Kuwaiti woman is permitted to drive a car, may wear Western dress in public, and has legal access to higher education inside and outside the country. Women have the right to litigate against men (for example, in child custody suits). In recent years, more Kuwaiti women have joined the work force and compete for government and corporate employment. According to the latest census, in 1985, women account for approximately 19 percent of the total paid labor force in Kuwait. Some have reached

senior government positions, up to the level of assistant under secretary and director general.

Women are well represented in the field of education through university level. As yet, there are no female judges, but in 1986 the Government named the first woman as a prosecutor. Kuwaiti women have also represented Kuwait in international financial meetings. There is no evidence of discrimination among citizens in the administration of Kuwait's extensive social welfare programs, designed to provide housing, family allowances, retirement income, medical care, education, and employment. Although some members of Kuwait's Shi'a minority perceive themselves to be largely excluded from leadership positions in the Government, many have achieved great wealth, and there is no evidence that they are discriminated against in matters of social welfare. Foreign residents, who constitute about 58 percent of the country's 1.8 million population, do not share in many of the rights and benefits Kuwaiti nationals enjoy. Ownership of commercial establishments (above 49 percent), real estate, and shares on the local stock market is open only to Kuwaitis.

White-collar and skilled expatriate workers earn the same base pay as Kuwaitis, but receive less in fringe benefits. Benefits restricted to Kuwaiti citizens include higher government salaries, additional government stipends and social allowances, and, in general, retirement pensions. Resident expatriates are entitled to medical benefits. Public schooling is offered, with some exceptions, only to children of expatriates who arrived in Kuwait prior to 1957, although the Government subsidizes tuition for students in a number of Arabic-language elementary and secondary schools. Kuwaitis are given preference for admission to the University of Kuwait. Because of limited space for new enrollees, non-Kuwaiti university entrants may equal no more than 10 percent of the number of Kuwaiti entrants. Unskilled expatriate workers usually are not permitted to bring their families to Kuwait. Some of these workers live in crowded apartments or work camps.

Section 6 Worker Rights

a. The Right of Association

Kuwaiti workers have the right to establish and join unions. Kuwait's labor movement has about 27,000 members, organized into 13 unions. All but one of the 13, that of the bank workers, are affiliated with the Kuwait Federation of Trade Unions (KFTU). Expatriate workers, who comprise about 80 percent of the roughly 700,000-strong labor force, are permitted to join unions after 5 years' residence but only as nonvoting members who cannot hold office. Kuwait labor law stipulates that, for any new union to be formed, it must include at least 100 Kuwaitis. Unions are independent organizations, free from government control. Unions must, however, follow a standard format for internal rules and constitutions which includes a prohibition on any involvement in political, sectarian, or religious issues.

The vast majority of union members are Kuwaitis. The KFTU, grouping together nine civil service unions and three oil sector unions, is a member of the International Confederation of Arab Trade Unions (ICATU) as well as the Communist-dominated World Federation of Trade Unions (WFTU). Both the KFTU and the Ministry of Social Affairs and Labor are active

in the International Labor Organization (ILO) and its regional counterpart, the Arab Labor Organization (ALO). The local ILO office was established in 1974 and provides the Government and unions with technical assistance in the areas of vocational education and manpower planning.

The right to strike is recognized, but in recent years there have been few work stoppages, and in 1988 there were no reports of any at all. The tranquil labor/management relations stem in large part from a generous social welfare system, and the Government's willingness to provide employment for Kuwaitis in the public sector, which features one of the most liberal government retirement systems in the world.

Kuwaiti labor law has a provision allowing for compulsory dissolution of any union that "commits an act considered to be violating the provisions of this law and of the laws connected with the preservation of public order and morals." Under the law, a union can only be dissolved by a court decision; such a court decision can be appealed. No unions have been dissolved in this manner.

b. The Right to Organize and Bargain Collectively

Kuwaiti workers have the right to organize and bargain collectively. Union rights are incorporated in the labor law and generally respected in practice. Kuwait labor law provides for direct negotiations between employers and "laborers or their representatives." If an amicable agreement is not reached, the parties may petition the Ministry of Labor and Social Affairs for settlement. If no agreed solution is reached by this means, the dispute is referred to a Labor Arbitration Board composed of officials representing the High Court of Appeals, the Attorney General's Office, and the Ministry of Labor and Social Affairs. Union activity is concentrated in the government, banking, and oil sectors. While non-Kuwaiti workers do not enjoy the same union rights as Kuwaitis, there is little overt discontent among expatriate workers. There are several reasons for this: most expatriates are drawn to Kuwait by comparatively high wages; the Government will summarily deport any non-Kuwaiti deemed a troublemaker; and a non-Kuwaiti cannot remain in Kuwait without employer sponsorship. Union members have the right to elect representatives of their own choosing provided the candidates can obtain a "good conduct certificate" (absence of criminal record).

There are no export processing zones in Kuwait.

c. Prohibition of Forced or Compulsory Labor

The Kuwaiti Constitution prohibits forced labor "except in cases specified by law for national emergency and with just remuneration." This prohibition appears to be generally respected.

d. Minimum Age for Employment of Children

The minimum age under Kuwait law is 18 years for full-time work and 14 years for part-time work. This law appears to be generally observed and enforced, particularly in urban areas, by both labor inspectors from the Ministry of Labor and Social Affairs and truant officers of the Ministry of Education.

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e. Acceptable Conditions of Work

General conditions of work are established by Kuwaiti labor law for both the public and private sector, with the oil industry treated separately. The law limits the workweek to 48 hours, provides for a minimum of 14 days' leave per year, and establishes a compensation schedule for industrial accidents. A 1979 ministerial decree created a permanent commission to coordinate activities in the field of public health and occupational safety. It has had some success in raising safety awareness and improving government coordination.

Reflecting the importance of the petroleum industry in Kuwait, the law governing employment in this sector is more generous than the general laws. It provides for a 40-hour workweek, overtime pay for shift work, 30 days' annual leave, and a generous sick leave policy. Women are permitted to work, except in "dangerous industries and trades harmful to the health," and are promised "equal remuneration to that of a man provided she does the same work." There is no legal minimum wage, but this has little impact since Kuwait is not a low-wage country. By and large, employers appear to respect provisions of the labor law and provide suitable working conditions, although abuses occur in the treatment of unskilled foreign workers, particularly household maids and servants. There were credible reports that sizable groups of South Asian expatriate workers doing manual labor were not paid promised salaries in 1988, with similar reports of underpayment of salaries for servants.

LEBANON

Lebanon's written Constitution provides for a directly elected, unicameral parliament which chooses the president. Political power is divided in accordance with the Constitution and with the unwritten, confessionally based National Pact of 1943. The latter provides for a Maronite Catholic president, a Sunni Muslim prime minister, and a Shi'ite Muslim speaker of the National Assembly. The Pact provides also for the proportional allocation of government positions among various religious groups on the basis of the last national census--conducted in 1932. However, 13 years of civil war have altered greatly this arrangement. Parliamentary elections, which should take place every 4 years, were last held in 1972. Since that election, one-fifth of the elected parliamentarians have died and have not been replaced. In 1988 Parliament was unable to elect a president before the constitutional deadline of September 23. The result was two rival cabinets, each claiming to be the legitimate government and paralyzing the little authority the central Government still possessed.

The prolonged civil war also has reduced drastically the authority of the central Government and its ability to safeguard human rights. Extralegal militias control much of the country, where they, in effect, govern the civilian population and enforce their own version of justice without regard to the central Government or to legal norms.

The presence of foreign forces further reduces those areas under government authority. Although Israel withdrew the bulk of its forces from south Lebanon in 1985, the Lebanese Government has yet to extend effective authority to that region. Israel maintains a "security zone" that encompasses 13 percent of Lebanese territory and mounts ground and air operations against targets in south Lebanon which often result in civilian casualties.

Syrian troops in Beirut, north Lebanon, and the Biqa' valley currently number about 35,000. In those areas, which comprise 70 percent of Lebanon's territory, the Syrian authorities carry out security and other functions normally reserved to the central Government. Syrian efforts to put down local opposition also resulted in civilian casualties and material damage during the year.

Already seriously disrupted by more than a decade of war, Lebanon's free enterprise economy barely held its own during 1988. The value of the Lebanese pound improved slightly and remained stable during the spring and summer. However, in the fall, the pound began to fluctuate again in response to the instability of the political situation.

The year brought no visible improvement in the human rights situation. As in previous years, major battles fought in densely populated areas brought injury and death to hundreds of civilians. Noncombatants were often the targets of violence in terrorist bombings, random shellings, sniping incidents, abductions, summary executions, and assassinations.

LEBANON

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Rival factions routinely kill for political motives. Civilians have been victimized by car bombs exploded in crowded areas, indiscriminate shelling, and daily sniping across the demarcation line separating East and West Beirut. There have also been assassinations of political figures, claims of hostage execution, and death threats aimed at forcing specific political actions. Forces outside of government control were responsible for most of these actions, but opponents of the Lebanese Government charge that security forces and the Lebanese army have roles in both indiscriminate and planned attacks resulting in politically motivated deaths. As in the past, the establishment of culpability and the administration of just punishment did not follow any of the political killings or assassination attempts.

Political killing has also resulted from both conventional warfare and from terrorist attacks. Residential areas in Beirut and elsewhere in south Lebanon were frequently the target of random shelling in 1988, the purpose of which often appeared to have been to kill or to intimidate civilians. In the first 9 months of 1988, 18 car bombs killed over 100 civilians and wounded more than 300 in East and West Beirut, Tripoli, and Baalbeck. Intrafactional fighting was particularly intense during 1988. The Shi'ite militias of Amal and Hizballah fought in Beirut's southern suburbs and in south Lebanon, and clashes occurred between the Hobeika and Ja'Ja' factions of the Christian militias. Throughout the summer, pro- and anti-Arafat factions fought fiercely in the Palestinian refugee camps, resulting in the loss of civilian lives and the total destruction of several camps. Random confrontations between various militia groups often resulted in short, fierce street fights--usually at illegal checkpoints--but sometimes when carloads of roving militiamen encountered each other. Wounding, hostage-taking, and deaths frequently resulted from such chance encounters.

In the first 9 months of 1988, there were nine assassinations which received media attention and numerous assassination attempts against prominent political, military, and educational figures. The attacks took the form of ambushes, rocket attacks on homes, car bombings, explosive devices planted in buildings and aircraft for remote detonation, and execution-style murders. Foreign diplomats and embassies also were targeted. Numerous political figures received death threats in the course of the year.

b. Disappearance

Thousands of Lebanon's inhabitants have been kidnaped and disappeared since the beginning of the war in 1975. Private militias and foreign forces, rather than official Lebanese security services, appear to be responsible for most of these kidnapings. Some victims probably were summarily executed. Most of these persons remain unaccounted for, but occasionally hostage exchanges and releases do occur.

Politically motivated kidnapings continued in 1988. Abductions were particularly prevalent in West Beirut,

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Beirut's southern suburbs, south Lebanon, and along the Green Line, which divides predominantly Christian East Beirut from mostly Muslim West Beirut. Some Lebanese were kidnaped because of their affiliation with rival militias, others because of interfamily disputes. Most, however, were civilians abducted simply on the basis of religion or for ransom. In this latter category, civilian seizures often tended to coincide with media coverage of sensitive political issues. Lebanese victims included, for example, Muslims traveling to East Beirut and Christians living or working in West Beirut. Abductions of foreign diplomats, journalists, businessmen, and academics continued in West Beirut and southern Lebanon. At the end of the year, nine Americans, two Britons, one Italian, one Irishman, and one Belgian remained hostage. One Indian (a U.S. permanent resident), kidnaped in 1987, was released. Eight additional foreigners were kidnaped, an American with the U.N. Observer Force in south Lebanon, a Norwegian and a Swede working for the United Nations Relief and Works Agency in the south, a Briton with OXFAM UK, a Belgian doctor working with Medicine Without Frontiers, a German dual national, and two Swedish journalists. The Swedish journalists were held for only 105 minutes. All but the American and the Belgian were released before year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Overwhelmed by the presence of private militias and foreign forces, the official Lebanese security services control little territory, and relatively few allegations of torture are made against them. There are many allegations of brutal treatment by Lebanese militias, Syrian occupying forces, the Israeli-funded army of South Lebanon, the Palestinians, and Hizballah. The truth of these allegations, often brought by fiercely partisan elements, can rarely be ascertained.

In its 1988 Report, covering 1987, Amnesty International (AI) noted that the use of torture in Lebanon by governments and militias continued to be widely reported.

d. Arbitrary Arrest, Detention, or Exile

Lebanese law requires that a suspect must be arraigned before an accusation committee (a panel of three judges) and the prosecutor within 48 hours of arrest, but government prosecutors sometimes hold suspects indefinitely for interrogation without reference to a court or judge. Every defendant has the right to legal counsel, and bail is permitted in most cases. There is no public defender's office. However, if a defendant cannot afford a lawyer, and the judge deems he needs one, the judge requests the lawyers' association to appoint a lawyer to handle the case. No militia or foreign occupying force observes the legal safeguards which the Government is committed to apply in arrest cases. In general, persons arrested by these groups are denied access to the judicial system. Some of the major militia groups have periodically turned individuals accused of civil crimes over to the legal authorities. Normally, however, the various militias detain individuals arbitrarily for indefinite periods, often to be exchanged for persons held by rival militias. Such detainees are frequently held incommunicado. In addition to politically motivated abductions, some militias presume to enforce law and order in regions under their control, arresting, imprisoning, and

executing persons on purely criminal charges. The Lebanese Forces, a coalition of Christian militias, tried and executed two persons accused of plotting to assassinate the Lebanese Forces' leader. The Israeli-funded Army of South Lebanon maintains a detention center in Khiam, which neutral observers have not been allowed to visit.

The Government does not, as a rule, arrest or exile its political opponents. Fear of assassination by political rivals has, however, driven several prominent Lebanese into voluntary exile, and the general decline in public security has stimulated the emigration of many Lebanese. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Lebanon has a regular court system for criminal and civil cases, and each confessional group has its own court for family and personal status cases. The military also has its own courts-martial system. Lebanese law, practice, and custom provide the right to a fair public trial. A decade of war, however, has disrupted the judicial process, and many cases remain unadjudicated. Trial delays result, for example, from the difficulty of conducting investigations when most of the country remains beyond effective government control, from a shortage of judges, and, most importantly, from the general breakdown in security.

Although the judiciary is considered independent and relatively impartial, and courts are present throughout the country, the disposition of criminal cases ultimately depends on the group in power locally. For example, militias frequently intervene to protect their supporters from detention and prosecution.

The Government does not sentence persons to imprisonment for essentially political beliefs or acts. As noted, however, militias frequently arrest and imprison members of opposing political and military groups. Also, in the case of persons arrested in connection with political assassination, the detention period without trial or recourse to a lawyer can drag on for years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally has evinced no interest in controlling personal life. The law requires the Government to obtain the equivalent of a warrant before entering homes, except when the Lebanese army is pursuing an armed attacker. Rights of privacy, however, are violated frequently in the course of military operations mounted by the army, militias, and foreign forces in Lebanon and in the militias' administration of areas under their control. All of these groups have attempted to gather intelligence on their adversaries; these efforts have included informer networks and telephone monitoring.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Lebanon has a strong heritage of freedom of opinion, speech, and press. The Government traditionally has protected the

rights of those who have opposed government policies through peaceful means.

Dozens of newspapers and magazines representing a broad spectrum of opinion are freely published. Extralegal radio and television stations are operated by widely diverse political groups. Intimidation of journalists, including assassination attempts by militias and terrorists, constitute the most serious threat to press freedom. Newspaper editors were threatened with death if they published a portion of a speech by the Maronite patriarch in which he denounced the Christian militias' execution of two men whom the militias accused of plotting to assassinate the militias' leader.

While there is an independent press in Lebanon, many newspapers and magazines are widely believed to receive financial backing from a number of other Middle Eastern states--most notably Syria, Libya, and Iran. For this reason, these publications reflect the opinions of their patrons on various internal, regional, and international issues. Christian militias have prevented the regular distribution in East Beirut of several leftist and Islamic publications, and militias in West Beirut have periodically refused to allow distribution of Christian militia and rival Muslim militia publications in their area of control. Amal, for example, has blocked distribution of Hizballah journals in south Lebanon.

The widespread breakdown in security and intimidation of university faculty, administrators, and students continued to disrupt schools and universities and seriously threaten academic freedom. In early January, the dean of the School of Agriculture at the Lebanese University was stabbed to death, and the director of the Lebanese University's science branch was threatened with the same fate if he did not cancel a qualification test.

b. Freedom of Peaceful Assembly and Association

The Government places no restriction on the right of free assembly, as long as it does not incite popular unrest. Many groups in Lebanon--even the most radical--exercised their right to engage in peaceful demonstrations during the year.

The major constraint, as in the past, came from the militias and foreign forces. In areas under the exclusive control of one militia, demonstrations or open shows of support for rival militias or political groups were not permitted.

Political groups, such as those which opposed the Israeli occupation, are not permitted to operate freely in areas still under the control of the Israeli-backed militia. The Syrians do not, in general, allow groups openly hostile to them to remain in areas they occupy.

The most noteworthy example of constraint of freedom of assembly occurred when Parliament attempted to meet and elect a president in August. Rival forces attempted to coerce parliamentarians living in territory they controlled into attending or not attending the electoral session. After the first electoral session was postponed for lack of a quorum, each side redoubled its efforts in anticipation of a new date for the electoral session. Both sides attempted to prevent parliamentarians from traveling to areas controlled by the opposing side.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Government affirms the right of freedom of worship, and Lebanese practice their various religions with a great degree of liberty. There is no state religion, nor are there restrictions on particular religious groups, on foreign clergy, or regarding places of worship. Lebanon has long been a center for theological training, and there are numerous theological seminaries in the country. The various religious groups are free to publish religious material, participate in charitable activities, and provide religious education for their children. Many religious groups operate private schools.

The 1943 National Pact essentially allocated political power on a confessional basis, according to the proportion of various religious groups in Lebanon as determined by the 1932 census. The unwritten National Pact stipulated that the president would be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of parliament a Shi'ite Muslim. Seats in the Parliament were divided on a six-to-five ratio of Christians to Muslims. Positions in the government bureaucracy were allocated on a similar basis. Some religious groups thus enjoy greater institutionalized political power than others, and it frequently has been charged that politically powerful groups have influenced government policies to the economic benefit of their coreligionists. Efforts to alter or abolish the confessional system of allocating political power have been at the center of Lebanese politics for more than three decades. Those religious groups most favored by the 1943 formula have sought to preserve it, while those who feel disadvantaged by it have sought to revise it on the basis of new demographic realities or to abolish it entirely. This struggle has given a strongly religious coloration to Lebanese politics and to the continuing civil strife there.

The intensification of religious hatreds has led away from confessional mixing and towards confessional segregation. Today, Lebanese live more and more in neighborhoods and villages inhabited exclusively by one religious community. In militia-controlled areas, this exclusivity sometimes is maintained by force.

While Lebanese are free to practice the religion into which they were born, the confessional character of Lebanese society makes conversion to another religion difficult. Conversion can mean ostracism from one's family and friends, and having to live among strangers. In the smaller villages, local religious leaders often exert pressure on members of their congregation not to participate in the religious activities of other religious groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Lebanese traditionally have enjoyed freedom of internal travel, but militia groups have greatly circumscribed this freedom through the establishment of checkpoints to keep those deemed undesirable out of areas under their control. The Green Line bisecting East and West Beirut was closed intermittently during 1988. Closure of the Green Line effectively divides the city and paralyzes many aspects of

daily life in Beirut. Crossing the Green Line even when it is open remains extremely risky. The Army of South Lebanon maintained tight restrictions on the movement of people and goods into and out of areas which it occupied.

The Government does not restrict foreign travel by Lebanese citizens. Emigration and dual citizenship are permitted. There is no legal impediment to voluntary repatriation by Lebanese with valid identity papers.

Because of the sporadic closure of the Green Line, fighting and kidnapings along the road to Beirut International Airport, and chaotic security conditions at the airport itself, many Lebanese encountered serious difficulties in traveling abroad. Travelers unable or unwilling to risk using Beirut International Airport, which is located in West Beirut, had the option of traveling overland to Damascus or using a ferry which runs between Jounieh in East Beirut and Larnaca, Cyprus.

Lebanon historically has been a land of asylum. During this century, it has given refuge to hundreds of thousands of Armenians and Palestinians as well as to smaller numbers from other Middle Eastern ethnic and religious groups. Lebanon's political and economic troubles in recent years have diminished its appeal to refugees.

Lebanon's relationship with the Palestinian community has been difficult. Most Palestinians, like other foreigners, have not been able to obtain Lebanese citizenship. Their status as a "state within a state" under the 1969 Cairo Accords (abrogated in 1987) and their involvement in internal fighting from 1975 to 1982 and again from 1985 until 1988 brought upon them the bitter enmity of many other groups. In the wake of the 1982 conflict, many Palestinians encountered difficulty in renewing residence permits and travel documents, and delays still continue. During 1988 several instances of forced resettlement occurred. The Christian militias expelled 60 Shi'ite families living in the village of Mogheira, which the militia leaders considered part of the "Christian" enclave. In south Lebanon, a militant Muslim fundamentalist group expelled 20 Christian and Druze families from the village of Qatrani because the village impeded their military advance towards Army of South Lebanon positions.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In practice, Lebanese citizens do not enjoy the right to change their government. Formally, Lebanon is a parliamentary democracy. According to its Constitution, direct elections must be held for its 99-member parliament every 4 years. Parliament, in turn, elects a president every 6 years, and the president appoints a cabinet which must obtain the confidence of parliament. Political parties may be formed. In theory, women enjoy the same civil rights as men, but, in actuality, women play almost no significant role in Lebanese politics.

In the past decade, violence has dominated the political process as militia groups and foreign forces have resorted to force to gain their way and have thus robbed democratic institutions of much of their substance. No parliamentary elections have been held since 1972, and Parliament was unable to decide upon a new president before the incumbent president's term expired on September 23. The result was a stalemate out of which two rival cabinets emerged, effectively

paralyzing what little authority the central Government continued to exercise. Most of the country is under foreign occupation or militia control.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has a mixed record in dealing with international human rights groups, and indigenous groups have not pressed the Government strongly on human rights issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Discrimination based on religion is built into the system of government. As a result of the National Pact of 1943, government jobs are allocated on the ratio of six Christians for every five Muslims. Many of the larger corporations adhere to these standards as well. In the beginning, this apportionment helped the Muslims, especially the Shi'ite Muslims, because they had traditionally been the poorer and less well-educated section of the population. The six-to-five ratio made positions available to them that they would not have gotten otherwise. By 1988, however, the Shi'ite Muslims constituted the largest confessional group in Lebanon, and the six-to-five ratio worked to their disadvantage.

Palestinians also have been discriminated against in the area of employment, because the Government has denied them permission to obtain work permits. The Government's position has been that there are not enough jobs for Lebanese who want them, and thus it cannot open up the Lebanese work force to any outsiders. The result has been that Palestinian refugees, who were often skilled workers, had to take menial or marginal jobs.

The lower class as a whole has been discriminated against in the area of education, because the Government underfunds the public school system. Any Lebanese who is able to send his children to private schools does so. Poorer families who cannot afford private schools must use the inadequate public schools, giving their children little hope of passing the qualifying exams which make them eligible for higher education.

Women enjoy equality of civil rights and attend institutions of higher learning in large numbers. Women comprised one-third of the work force in 1988. Most of the women still work in occupations traditionally considered "women's" occupations, such as teaching, nursing, and secretarial and clerical positions, as well as in the banking and textile industries. However, an increasing number of women now work in traditionally male occupations, especially the professions and fields such as journalism. The only field devoid of women is politics. This is in part a result of the fact that parliamentary elections have not been held since 1972, and women have not had an opportunity to run for public office. The women's organizations that do exist are, for the most part, subordinate arms of political parties which work to advance the interest of the parent party rather than that of women in general.

Each confessional group has its own family and personal status laws. Generally, it is difficult for women to obtain divorces, and in the event of divorce they may have difficulty

obtaining custody of their children. There are no restrictions in regard to women owning property.

Section 6 Worker Rights

a. The Right of Association

Lebanese labor law gives workers the right to unionize; choose their own representatives, provided they are employed within the bargaining unit; and determine their own policies and programs as long as the unions do not involve themselves in politics. Workers have the right to strike, and they exercise it. The Government does not control or restrict unions, except that government employees may not unionize or strike. The Government also does not offer any special protection to the person and property of trade unionists. There are 160 local labor unions in Lebanon. The major labor umbrella organization, the General Confederation of Lebanese Workers (CGTL), is comprised of 18 federations of labor unions. There are no comprehensive statistics on union membership, although the CGTL claims 200,000 to 250,000 dues-paying members, which is about one-third of the 600,000 employed persons in Lebanon. The CGTL sends representatives to International Labor Organization (ILO) meetings, and is affiliated with the International Confederation of Arab Trade Unions (ICATU) based in Damascus. Thirteen of its affiliated federations belong to the International Confederation of Free Trade Unions, headquartered in Brussels. Another affiliated federation is a member of the Prague-based World Federation of Trade Unions (WFTU).

b. The Right to Organize and Bargain Collectively

The right of workers to organize into unions and bargain collectively exists in law and practice in Lebanon. Most workers' groups engage in some form of collective bargaining with their employers. The stronger federations, such as the federation of bank employees' unions and the Airline Pilots Association, have been able to obtain significant gains through their own collective bargaining efforts. The weaker unions rely heavily on the mediation of the CGTL which, prior to the civil war, used to negotiate annual across-the-board pay increases with the private employers' association. Often the CGTL assists unions which are not affiliated with it in their bargaining efforts, and it even assists nonunionized workers. There is no government mechanism to promote voluntary worker-employee negotiations, and workers are not protected against antiunion discrimination. An example of such discrimination occurred when an outspoken leader in one of the teachers' unions was fired by the school in which he taught. His dismissal effectively silenced him because he was no longer qualified to hold a leadership position in the union.

c. Prohibition of Forced or Compulsory Labor

The Government does not use forced labor. In the present anarchy, however, militias have forced workers, especially immigrant laborers, to perform unpaid duties such as filling sandbags for use in building defenses against attack and cleaning of militia offices. Hospitals and physicians are sometimes also required to provide services free to the army and the militias. In the case of the army, the mechanism for reimbursement exists, but the Government has not fulfilled its obligations for several years. The militias use the authority of the gun to claim the same privilege as the army. This

wide-scale nonpayment for medical services has contributed significantly to the growing emigration of doctors.

d. Minimum Age for Employment of Children

Lebanese labor law lists the minimum age for employment of children at 8 years (ILO convention No. 60, which Lebanon has not signed, limits employment of children under age 14 to light work for no more than 2 hours a day). In fact, few children under 16 years of age are employed.

e. Acceptable Conditions of Work

According to Lebanese labor law, the minimum wage is $37.50 per month at the fall 1988 exchange rate. From this sum, income and social security taxes are deducted. Persons living in militia-controlled areas also have to pay income taxes to the militias. Both labor union leaders and government officials agree that the average family needs a monthly income equivalent to $100 to $200 to live decently. If the Lebanese pound strengthens from its current exchange rate of 400 Lebanese lira to the dollar to 100 lira to the dollar, a person earning the minimum wage would have an acceptable income. The Government chose to retain the current minimum wage, apparently hoping that the exchange rate would improve.

The Lebanese work a 6-day week. According to Lebanese labor law, the maximum number of hours a person may work per week is 48. In practice, workers in the industrial sector work an average of 35 hours a week, and workers in the other sectors of the economy work an average of 30 hours a week. Lebanese labor law includes specific occupational health and safety regulations. However, given the civil strife and weakness of the central Government, most of the regulations are not enforced.

LIBYA*

The Socialist People's Libyan Arab Jamahiriya describes its form of government as a "popular democracy." In theory political power is vested in "the masses" with the guidance of the People's Congress and its executive arms, the People's Committees; in practice the country is ruled by a dictatorship under Colonel Mu'ammar Al-Qadhafi. He is aided by extragovernmental Revolutionary Committees which operate at his behest.

The governing principles of the society are expressed in Col. Qadhafi's "Green Book" rather than in the Constitution. He has created a political system borrowing from pan-Islamic and pan-Arab sources and purporting to establish a "third way" superior to both capitalism and communism. He has instigated the assassination of his enemies abroad, and he controls enemies at home in a variety of summary and judicial proceedings which are employed wherever popular resistance exists. Ethnic minorities, such as Berbers, are tightly controlled.

Libya's security apparatus consists of several elite military units, including Col. Qadhafi's personal bodyguards. The Revolutionary Committees and People's Committees also have security functions, designed to protect (but also monitor) the populace. The result is multilayered, pervasive surveillance and control of individual activities. In 1988 Colonel Qadhafi, citing numerous abuses, stripped the Revolutionary Committees of some of their prerogatives over internal security.

Libya has used its oil income to finance internal development (new schools, hospitals, roads), but much has been wasted and the decline in oil revenues has forced retrenchment. Significant parts of Libya's development plans have been dropped, foreign exchange controls tightened, and imports restricted. The current economic difficulties have been exacerbated by the regime's expenditures for large quantities of weapons and on foreign military adventures, including Libyan aggression in Chad.

Legal freedoms and rights are generally lacking in Libya, except for minimal guarantees for minorities and women. There are no effective rights to peaceful association or assembly, freedom of speech, to express opposition to the Government in any form, to form trade unions, or to strike. There are no legal or judicial rights such as the right to be considered innocent until proven guilty, to a public or speedy trial, to be secure in one's home or person, or even to hold property.

During 1988 Col. Qadhafi announced his support for policies aimed at remedying past widespread abuses of human rights in Libya. Some prisons were destroyed, some political prisoners were freed, and restrictions on travel out of the country were eased. In June a special session of the General People's Congress approved the "Great Green Document for Peace and Human Rights in the Era of the Masses," which identified a broad range of human rights which had not previously been

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*Since the U.S. has no official observers present in Libya and since Libya's media is totally controlled, this report draws heavily on unofficial sources.

guaranteed or respected in Libya. Announced reforms were not implemented by appropriate legislation. It was not clear by the end of the year whether or how effectively the document's commitments would be implemented. Despite the regime's claims, some political prisoners remained incarcerated, although the actual number was difficult to determine. The regime's policy of "physical liquidation" of Libyan political opponents abroad was not in evidence during 1988, as the regime encouraged exiles to return to Libya.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

It is not known how many political killings were carried out in 1988.

Amnesty International (AI) has expressed concern about the large number of offenses, including political offenses, which are punishable by death under Libyan law. For example, Law Number 71 of 1972 provides for the death penalty for anyone involved with any group activity based on any ideology opposed to the principles of the revolution. In early 1988, Col. Qadhafi publicly stated his support for the abolition of the death penalty, and he promised to commute all existing death sentences. However, the Great Green Document on Human Rights adopted by the General People's Congress merely identified the total abolition of the death penalty as an "aim of the society," and declared that the death penalty should be applied only in cases in which the accused poses a danger of corruption to the society. As late as February, AI charged that the Libyan Government was executing political opponents. It has urged that the existing Libyan death penalty and other legislation be reviewed in light of the Great Green Document on Human Rights.

In 1980 the Government instituted a policy of assassinations of Libyan exiles and announced the formation of "suicide squads" to hunt down and kill Libyan dissidents abroad. Between March 1980 and June 1987, AI recorded at least 37 attacks on Libyan opponents or presumed opponents living abroad, resulting in 25 deaths. During 1988, the regime invited exiles to return, promising they would not be in danger. Most refused to do so. There were no reports of assassination attempts against Libyan exiles during 1988.

b. Disappearance

It is not known how many persons disappeared in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Detainees in criminal and security cases reportedly are regularly beaten during interrogation. While Shari'a (Islamic) law is practiced in Libya, physical mutilation is not used as a form of punishment.

The Great Green Document of Human Rights outlawed degrading punishment and ill-treatment of prisoners. In a speech on June 12, Col. Qadhafi announced that Libya would ratify the optional protocol to the International Covenant on Civil and

Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. There is no clear evidence that these commitments have been effectively implemented.

d. Arbitrary Arrest, Detention, or Exile

Under Libyan law, detainees may be held incommunicado for unlimited periods. Many political prisoners are held in unofficial detention centers controlled by members of the Revolutionary Committees, where prolonged periods of incommunicado detention are common. Many allegedly are held without charge or trial, apparently as an example to other would-be opponents of the regime. In cases of political opposition in particular, there are many reports of prisoners being held without trial for several years. While undergoing interrogation, sometimes for periods of several months, prisoners are given no access to legal representation.

Publicly acknowledging past abuses, Col. Qadhafi moved in 1988 to curb the arbitrary power of the Revolutionary Committees to arrest and detain suspected opponents of the Government. There are as yet no clear results of this action, and it is not clear how effectively or permanently the abuses of the Revolutionary Committees will, in fact, be curbed.

Libya declared several years ago that there were then "no political detainees on any charge in its prisons." Reports from a variety of sources, however, indicated that the prisons contained persons convicted of, or held for, political offenses, including large numbers of persons arrested in 1984. Some, but not all, were released in March 1988. At the time, Col. Qadhafi justified the imprisonment of "fewer than 100" individuals on political charges, claiming they were agents of foreign powers. Although he has claimed to be opposed to secret arrests, there is no evidence he has followed up with explicit orders or that the situation has improved in practice. During 1987 Libyan authorities did not respond to any of AI's communications about 77 prisoners arrested for political reasons. AI asserts that "most of them were convicted of membership of political organizations and sentenced to death or life imprisonment." In its 1988 Report, covering 1987, AI noted that it had received reports that political prisoners in Libya were often held without trial or after having been acquitted or having served their sentences.

Foreigners are not immune from arbitary arrest. In 1987 five foreigners who entered Libya on a disabled yacht were held incommunicado for several months before four of them were allowed to leave. The fifth was finally released in early 1988.

There are credible reports that some foreign workers in Libya have been forced into military training and military service on behalf of Libya or coerced into subversive activities against their own countries.

Exile is not a form of punishment practiced in Libya; to the contrary, Col. Qadhafi seeks to pressure Libyans working or studying abroad to return to Libya. Libya does, however, engage in the arbitrary expulsion of noncitizens.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Civilians may be tried in regular courts, in less formal "people's courts," or by military or revolutionary courts, depending on the arbitrary decision of the security forces. Security forces have the power to judge persons guilty without trial, particularly "traitors to the people." Trials are also held in private or in the absence of the accused. Until 1988 the traditional courts were bypassed to a significant extent by people's courts and revolutionary courts which sometimes conducted "show trials" on television, followed by public executions, which were also sometimes televised. These various trial systems provided few safeguards.

The Great Green Document on Human Rights assures every person the right to resort to court and the right to a fair and impartial trial, but it is not yet clear what impact this assurance will have on actual judicial practice.

A 1981 law prohibits the private practice of law and makes all attorneys employees of the Secretariat of Justice. The Union of Arab Lawyers, located in France, has expressed concern about the ability and freedom of attorneys to provide legal defense for political prisoners while serving as government employees. Libya claims that it "guarantees prisoners all necessary means of defense and safeguards of justice adequate to the principles contained in the Declaration of Human Rights" and provides for legal assistance "as soon as possible with respect to the exigencies of interrogation," but there are numerous reports that these rights are frequently denied.

Alleged political offenses in the past often have been tried before ad hoc "revolutionary courts" rather than under the normal judicial procedure, with the opportunities to engage defense counsel severely restricted. Moreover, a number of these trials have been held in secret. In 1988 the regime announced the abolition of all "extraordinary" courts, including those operated by the Revolutionary Committees. To date, this measure has not been fully implemented. It remains to be seen whether past abuses will be eliminated and whether new courts being established will conduct fair trials. There is no precise estimate of the number of political prisoners in Libya.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not respect the right to privacy. The legal requirement that judicial warrants must be obtained before entering a private home reportedly is often disregarded. Local and international telephone calls are routinely monitored. The informer network is very extensive, encouraged by both security agencies and Revolutionary Committees. Libyan exiles report that mere family ties to suspected regime opponents can result in harassment or even persecution and detention by the authorities. Property can be seized and burned if it belongs to "enemies of the people" or those who "cooperate" with foreign powers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Some difference of opinion is tolerated in People's Committee meetings and at the General People's Congress, but in general

freedom of speech is severely limited. This is especially true with regard to any criticism of Col. Qadhafi or his regime. Fear of being informed upon by elements of the Revolutionary Committees and an underlying climate of mistrust at all levels of society further inhibit freedom of speech. Freedom of speech and other basic civil and political rights are further restricted during internal security crises.

Libyan media are owned and controlled by the State. There is a state-run daily newspaper, with a circulation of 40,000. Several smaller newspapers are run by the Revolutionary Committees and the Islamic Call Society. JANA, the official news agency, is the designated conduit for politically acceptable opinions. It is impossible to publish opinions contrary to government policy. Until mid-1988, foreign publications, if not banned outright, were severely censored. They now reportedly circulate sporadically in Tripoli.

b. Freedom of Peaceful Assembly and Association

Public assembly is repressed unless it is government controlled and supportive of regime positions. The right of association is limited and granted only to institutions affiliated with the regime. Organizations such as independent trade unions and professional associations are viewed as unnecessary, since Col. Qadhafi has vowed not to "accept intermediaries between the revolution and its working forces."

c. Freedom of Religion

Libya is overwhelmingly Muslim. Some minority religions (e.g. Christianity) still are allowed to conduct services, but Islamic groups at variance with the state-sanctioned version are banned. In 1986 all Koranic schools allegedly were ordered closed to reduce the influence of the mosques and to integrate all children into the public system. In October 1986, the regime arrested, as a threat to state security, members of an "enemies of God" or "godless" clique, nine of whom were publicly executed in February 1987. In an apparent effort to eliminate any alternative power bases, the regime has banned the once-powerful Sanusiyya Islamic religious sect. Restrictions were placed on the operation of the organization's Zawaayaa (lodges), a government supervisor was appointed for Sanusi properties, and the Sanusi-sponsored Islamic University was merged with the University of Libya.

Services in Christian churches are attended by the foreign community. There is a resident Catholic bishop and a small number of priests. Nuns reportedly are permitted to wear religious habits.

Most members of the formerly sizable Jewish community have emigrated. Col. Qadhafi has stated that he is opposed to Zionism, not Judaism, and that Arab nations should welcome Arab Jews who wish to return to their countries of origin. Yet in a speech in June 1985, he cited the Prophet Muhammed as stating that Judaism and Islam cannot coexist in the land of the Arabs and, in September 1985, anti-Jewish broadcasts on Libyan radio called virulently for anti-Jewish violence in areas of Tunisia and Morocco within broadcast range.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

With the exception of security areas, internal freedom of movement is monitored but not usually restricted for Libyan citizens. Traditionally, exit permits have been required for travel abroad, and currency controls have also served to restrict travel. Restrictions on travel abroad were eased significantly in 1988. Passport and exit visa requirements were abolished for travel to neighboring Tunisia, for example, facilitating the travel of large numbers of Libyans to that country. Members of the Revolutionary Committees maintain surveillance of some Libyans while abroad. Under Libyan Islamic law, wives may not leave the country without their husbands' permission; children may not travel without their fathers' consent. The right of return of Libyan nationals is theoretically fully protected to include opponents of Col. Qadhafi, so long as they are prepared to "repent." However, this "right" often appears to be more of an obligation or threat. The regime often calls for students, many of whom are under government subsidy, and others working abroad to return on little or no notice and without regard to the impact on their studies or work. Libyans who study abroad are interrogated on their return home.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people of Libya have no right to change their government. Major government decisions are controlled by Col. Qadhafi himself or by committees acting in his name. He appoints military officers and official functionaries down to junior levels. Power flows through a small circle of trusted associates, whose own authority depends implicitly on their proximity to him. Corruption in administration is a problem of major proportions, with adverse effects on the quality of government.

Participation in elections is mandatory, and all candidates are cleared by the Revolutionary Committees from among persons who are not "merchants, contractors, tribal advocates, election brokers, officials of the former (pre-1969) government, or people who have been attacked by the power of the revolution." Political parties and tribal or local groupings are prohibited.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no human rights organizations in Libya to monitor the Government's performance. In June a delegation from AI accepted an invitation from the regime to visit Libya. The delegation stressed the need for urgent review of the cases of remaining political prisoners. It also urged a review of existing death penalty and other penal legislation in light of the Great Green Document on Human Rights, aimed at the application of international human rights standards.

In its 1988 Report, covering 1987, AI noted that it had received no reply from Libyan authorities to any of AI's communications about 77 political prisoners, some of whom were under death sentences or serving life sentences.

LIBYA

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There are frequent allegations of discrimination based on tribal status, with particular discrimination alleged against Berbers in the interior and Tuaregs in the south. Col. Qadhafi has often complained about the continued power of tribal and other groups, but he also utilizes them for political action when he sponsors proregime demonstrations. In past years, he sought unsuccessfully to assure that Berbers married only non-Berbers, presumably to diminish their tribal identity.

The conservative cultural attitudes of Libya's Islamic society serve to restrict rights of certain groups, most notably women. Within the confines of Islam, Col. Qadhafi has led efforts to change the status of women and expand their access to educational and employment opportunities. Women currently receive basic military training and are subject to military draft, with some exceptions. The husband's permission is necessary for women or children to travel abroad. Female circumcision is still reportedly practiced among tribal groups in remote areas of the south. The regime is opposed to Islamic fundamentalism.

Section 6 Worker Rights

a. The Right of Association

The official trade union organization, the General Federation of Producers' Trade Unions, which was created in 1972, is under government control and administered through the People's Committee system. Independent trade unions and professional associations are viewed as unnecessary, since Col. Qadhafi has vowed not to accept intermediaries between the revolution and its working forces. Although unions are guaranteed the right to "safeguard their interests," there is no right to strike, and no strikes, by Libyan workers, have been reported for years.

With government financing, the official trade union organization plays a leading role in the International Confederation of Arab Trade Unions and the Organization of African Trade Union Unity and exploits international trade union contacts to engage in propaganda efforts on behalf of the Government. Libya is a member of the International Labor Organization (ILO). It ratified ILO Convention 98 on the Right to Organize and Collective Bargaining in 1962 (under the previous regime), but it has not ratified Convention 87 on Freedom of Association.

b. The Right to Organize and Bargain Collectively

There is no collective bargaining in Libya. The ILO's Committee of Experts has noted that the Libyan Labor Code lays down conditions for the validity of collective agreements which are contrary to provisions of ILO Convention 98 requiring free and voluntary negotiation of collective agreements.

c. Prohibition of Forced or Compulsory Labor

There were no known reports of forced or compulsory labor as defined by ILO conventions. However, see Section 1.d.

LIBYA

d. Minimum Age for Employment of Children

No information is available regarding employment of children in Libya. In general, there is no evidence that child labor is a problem.

e. Acceptable Conditions of Work

Libya maintains a work force of around 1 million workers in a population of 3.7 million. Libyan labor law defines the rights and duties of workers, and such aspects as compensation, pension rights, minimum rest periods, and length of the workday.

Libyan labor law does not apply to the 300,000 foreign workers in Libya, who do much of the blue-collar and technical work. Their permission to stay in the country extends only for the duration of the contracts under which they are employed. Foreign workers are subject to arbitrary pressures, such as changes in work rules and contracts, with little option but to accept or to depart the country, often without full compensation for work already performed. The conditions of their employment are subject to negotiation between the worker and the employer. Foreign workers who are not under contract enjoy no protection. In 1988 a series of strikes by foreign workers, against their foreign employer, were suppressed by the Libyan military. The workers were arrested and expelled.

During the 1988 session of the ILO, Libya was criticized for its failure for the past 17 years to submit reports of labor inspection, as required by the Convention on Labor Inspection (Convention No. 81, 1947). A government representative claimed that labor inspection in Libya was within the competence of the popular committees and that a technical committee carried out regular inspections in factories.

REPUBLIC OF MALDIVES

The Republic of Maldives is a parliamentary democracy headed by a strong president. In practice, government control in this small, homogeneous society is exercised by a small elite with a common background and outlook, whose authority is generally and traditionally accepted by the population. There are no political parties, and candidates for the unicameral legislature, the Majlis, run for office as individuals. The Majlis selects a single nominee for president, who is subsequently approved or rejected by the voters. In September President Maumoon Abdul Gayoom was reelected to a third term, following his unanimous nomination by the Majlis and a subsequent approval rate in the public referendum of more than 95 percent.

Until recently, the Maldives had not been subject to attack or invasion from outside for hundreds of years, and thus saw no need for a large defense establishment. The country's 800-1,000 strong National Security Service is responsible for maintaining internal law and order, protecting the President, defending the country, and preventing foreign fishermen from encroaching on Maldivian fishing grounds. The police division of the Service investigates crimes, makes arrests, and enforces house arrest.

The Maldives is a nation of 1,200 islands in 19 atolls scattered across an area 500 miles long by 75 miles wide in the Indian Ocean. The isolation of individual island communities from each other, and of the Republic as a whole from the rest of the world, is a dominant feature of social and economic life. It is one of the world's least developed countries, with nearly half the population engaged in traditional activities such as fishing, harvesting and processing of coconuts, and small-scale farming.

The Maldives was rocked November 3 when mercenaries (apparently Sri Lankan nationals) came ashore at Male and attempted to overthrow the Government of President Gayoom. Timely military intervention by the Government of India thwarted the coup attempt. The armed intruders inflicted damage in Male and deaths among both Maldivian security forces and civilians. Speculation on those behind the putsch attempt centered on expatriate Maldivians. Dozens of mercenaries as well as at least one Maldivian allegedly associated with the coup attempt were captured. In the immediate aftermath of the putsch attempt, it was unclear how the Government of the Maldives would handle their trials and possible punishment.

There was no significant change in the human rights situation during 1988. Virtually universal adherence to Islam, the innate conservatism of a traditional society, and the high degree of homogeneity of the Maldivian people all underlie the relative absence of pressures for social and political change. The authority of the small ruling elite is widely accepted, and open dissent is rare.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

REPUBLIC OF MALDIVES

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1968 Constitution prohibits torture.

Maldivians follow Shari'a or Islamic Law. Occasionally, convicted criminals are flogged. Usually, however, punishment is confined to fines, payment of compensation, house arrest, imprisonment, or banishment to a sparsely populated island where the prisoner must work to earn his daily keep.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that "no person shall be apprehended or arrested, except on a verdict specified by Shari'a or (civil) law." There is no provision under Maldivian law for preventive detention, and incommunicado detention is rare.

Acting on information or complaints received, the Attorney General's office passes legal cases to the appropriate court, and the judge instructs the police to undertake an investigation. The suspect is questioned at police headquarters and may, depending upon the charges, be detained or placed under house arrest for 15 days while the case is investigated. If the case is not brought to trial within 15 days, the suspect is freed. Detention or house arrest may be extended after the first 15 days by authority of the President, but usually for not more than 1 month. There are no provisions for bail, but a defendant held without bail who has valid reason to travel may receive permission to do so from the court handling his case.

Actions which "arouse the people against the Government" are illegal, and persons can be arrested and charged with violation of this law, the penalty for which can be banishment to remote atolls of the Maldives. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There is a High Court and eight lesser courts in the capital at Male, each dealing with specific types of cases (e.g., debt, theft, property claims). On other islands, there are courts that deal with all types of cases. Judges are trained in Islamic law, are appointed by the President and serve at his pleasure, and thus cannot be considered fully independent. Cases in island courts that present knotty legal points are referred to the appropriate specialized court at Male, whose judge may in turn refer the legal point to four judges attached to the Justice Ministry for assistance. The High Court acts as a court of appeal and handles politically sensitive cases.

During trial, the accused may defend himself and call witnesses. He also may be assisted by a lawyer, but they are few and are not provided by the courts. The accused is sentenced by the judge. The length and type of sentence are established by law and custom.

There are no Maldivians serving sentences for political crimes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits the opening, intercepting, reading, or making public of letters, telephone conversations, telegrams, and wireless messages exchanged between persons "except in accordance with the specific provisions of the law." There is no evidence that the Government monitors correspondence or telephone conversations or uses a system of informers. The Constitution also requires that private premises and dwellings be respected. There have been no reports of practices to the contrary.

There are no prohibitions on the importation of foreign publications, except pornography, and foreign broadcasts are not jammed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and expression "so long as the specific provisions of Shari'a and the law are not contravened." Any citizen may criticize or complain to the Government without fear if he does so through recognized channels, such as letters or oral complaints to the President, to a Majlis member, or to a civil servant or other person in authority.

Maldivians are frequently frank in private when discussing and criticizing the Government. However, the law which prohibits arousing opposition to the legally established government, together with a long tradition of authoritarian rule, tend to make Maldivians careful when expressing their opinions to foreigners or in the media. There is no prior censorship of newspapers, but because writers and editors are subject to prosecution if their articles contravene the law, self-censorship is a well-engrained practice. No writers or editors were prosecuted for writing articles alleged to have created antigovernment feelings. There are three privately owned newspapers, each required to register with the Government. The only government-owned publication is the News Bulletin, published by the Maldivian Department of Information and Broadcasting.

b. Freedom of Peaceful Assembly and Association

The Constitution assures freedom of assembly and association, but Maldivians make little use of these freedoms in a political sense. The majority of rallies and meetings are sponsored or approved by the Government and commonly are addressed by officials or religious leaders. Clubs and other private associations, of which there are many, are permitted to function if they do not contravene Shari'a and civil law, provided that they register with the Government. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution affirms Islam as the official religion, and all citizens are Muslims. There are no churches or shrines for the practice of any other religion. Missionaries of non-Muslim faiths are not permitted to proselytize. Conversion of a Muslim to any other faith would be a violation

of the Shari'a, the law of the land, and would automatically result in the loss of citizenship. Links with coreligionists in other countries are allowed, and a delegation from the Maldives performs the hajj each year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government discourages Maldivians from changing islands of residence, primarily because most recent migrants have moved to Male, which is becoming severely overcrowded. The Government reimposed regulations in 1982 that limit immigration to the capital island and its surrounding atoll, permitting migration to Male only for short periods for work, education, or medical treatment.

There are no restrictions on foreign travel or on emigration. There are no exit visas. The Government requires any Maldivian who has acquired another nationality to maintain Maldivian nationality concurrently. Such a person must enter and leave the Maldives on a Maldivian passport. As far as is known, the Government never has revoked the citizenship of any Maldivian. There are no refugees or displaced persons, and so far as is known, no Maldivians have been exiled or are refugees or displaced persons elsewhere.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The people of the Maldives have only limited and indirect influence on the selection and organization of their government. Although the Majlis is elected by universal suffrage, the President is nominated by the Majlis, and the Maldivian citizens vote only in a presidential referendum designed to approve or reject the one candidate. President Maumoon Abdul Gayoom rules the Maldives together with a small group of generally well-educated members of the elite who are loyal to him. There are no political parties. Although they are not forbidden by law, President Gayoom has publicly discouraged their formation as being inappropriate to the homogeneous nature of Maldivian society.

Members of the unicameral legislature, the Majlis, are chosen for 5-year terms by means of secret ballots cast by all Maldivians over 21 years of age. Candidates for the Majlis must be over 25 years of age, Muslim, able to read and write both Arabic and Maldivian script, must not have been involved in a crime for the past 5 years, and must be in good mental and physical condition. Of 48 members, 40 are elected (2 from each atoll and 2 from Male), and 8 are appointed by the President. Members of the Majlis are freely approached by citizens or groups with grievances or points of view on proposed legislation.

Candidates for President must be Sunni Muslim, born of Maldivian parents, male, and over 30 years old. They must not have been convicted of any crimes and must be mentally stable. The single nominee for President is chosen by secret ballot in the Majlis from as many candidates as are proposed by the members. The nomination is confirmed or rejected in a nationwide referendum, also by secret ballot. In 1988 the Majlis voted unanimously to nominate Gayoom to a third 5-year term, and he was confirmed with 95.62 percent of the votes in a referendum in September.

Since there are no political parties, factions in the Majlis tend to coalesce around individuals or points of view and vary according to the issue. Any member may introduce legislation, which, if seconded, must be considered and approved or disapproved by the Majlis. The Majlis has the power to question ministers and to call for their removal. In practice, however, the Majlis generally supports the Government after discussing and sometimes amending its proposals.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no requests for outside investigations of human rights violations. There are no local human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

By Islamic and Maldivian tradition, women play a modest--though growing--role in public life. In 1988 the first woman was elected--as opposed to appointed by the President--to the Majlis. There are three women in the Citizens' Special Majlis that is reviewing the Constitution. Women hold several responsible positions in the Civil Service and now number over 20 percent of all government employees. The President has appointed 2 women as aides, another to be his Director of Social Affairs, and 2 women to his 12-member Consultative Committee. In late 1988, the Government opened the National Security Service to female applicants.

Islamic practice is the basis for Maldivian civil law. It is therefore easier for husbands to divorce wives than vice versa. Islamic law, or Shari'a, also governs inheritance. Most women, like most men, are not part of the cash economy; those who do work for wages--for the Government, in businesses on Male, or in garment factories--generally receive similar wages.

Section 6 Worker Rights

a. The Right of Association

There are no trade unions in the Maldives, and neither the right to form them nor the right to strike is recognized.

b. The Right to Organize and Bargain Collectively

Workers' rights to organize and bargain collectively are not recognized or protected by statute.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor.

d. Minimum Age for Employment of Children

There is no minimum age for the employment of young people. The Government has set no restrictions on conditions under which children or young people may be employed, although most employers do not hire young people for work at night or in what are considered hazardous conditions.

REPUBLIC OF MALDIVES

e. Acceptable Conditions of Work

Until the mid-1970's, most Maldivians either were self-employed or held government jobs, and there was a relative lack of interest in workers' rights or organization. However, during the past 6 years, three sizable garment manufacturing facilities have been opened, employing large numbers of workers. There were no special provisions regarding workers' rights or treatment in the agreements to establish these companies between the Government and the foreign investors. However, a Department of Labor was formed in 1982 and an intergovernmental Labor Advisory Board which met in 1987 drafted the country's first labor laws. These pertain to hours of work, overtime pay, and provisions for annual leave.

There is no national minimum wage, although the Government has established wage floors for certain kinds of work. The usual workweek is 6 days. Employees who work more than an 8-hour day are entitled to be paid overtime, and employers are required to provide a certain minimum number of holidays per year, under new laws adopted in 1987.

MOROCCO*

Morocco is a constitutional monarchy whose King effectively dominates the country through the exercise of his wide-ranging governmental powers and his traditional role as spiritual leader of the country's predominantly Muslim population. The King makes all major political decisions, appoints and dismisses the Prime Minister and cabinet members, promulgates laws, presides over the Council of Ministers, may dissolve the nation's single legislative body (the House of Representatives), and may exercise powers by decree. The King often expresses his desire to strengthen democracy, and some democratic practices and institutions in Morocco are in place. The Constitution provides for a pluralistic political system and a parliamentary form of government, and stipulates the freedoms of movement, expression, and association, among others. The Parliament exercises little power, however. Past elections have not been truly free, and constitutional freedoms are frequently ignored in practice. While significant restrictions exist, the political system remains open to gradual change.

The security apparatus is composed of several overlapping police and paramilitary organizations, operating within a framework of legal provisions designed to maintain public order. All of the organizations are under the King's ultimate control, though many are administered on a day-to-day basis by the Interior Minister. In recent years, especially after the riots of 1981-82 and 1984, Interior and Surete Nationale officials have been placed in administrative posts in other ministries, such as the Ministry of Religious Affairs, to assure a pervasive Interior Ministry presence.

Private property and private investment predominate in the economy. Morocco is rapidly undergoing urbanization; nearly 50 percent of the population now lives in cities and towns. Unemployment and underemployment remain at about 25 percent of the work force, and the creation of new jobs continues to lag behind population growth. New entrants to the labor force number more than 200,000 annually, and the majority are unlikely to find full-time employment.

Reports of police brutality and torture and of cruel treatment and substandard conditions within prisons continued. There were almost daily reports of hunger strikes, petitions, and other forms of protest on the part of both prisoners and their families. Some Moroccans were in prison and in exile solely because of their political beliefs. A new study, "Human Rights in Moroccan Law," presented at a national colloquium on human rights organized by the Moroccan Bar Association in Oujda in December 1987, substantiated these abuses.

The human rights situation did not improve significantly in 1988 and may have deteriorated. On January 20, a violent clash between police and some 3,000 peacefully demonstrating Fez university students resulted, according to the Government, in one student fatality and some 20 injuries to police and students. Unofficial sources placed the fatalities as high as eight or more and the injured in the dozens. Fueled by grievances over academic and administrative restrictions, as

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* separate section on the Western Sahara is appended to this report.

well as by the harsh overreaction of the police who arrived on the scene, the Fez incident sparked a series of demonstrations, walkouts, and disturbances by both university and high school students in other Moroccan cities. However, unlike at Fez, the response of the Moroccan authorities was measured and restrained in their reactions to the later demonstrations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known instances of political killing.

b. Disappearance

There have been few new permanent disappearances in recent years, and none were reported in 1988. However, temporary "disappearances" continue as a result of the practice of holding persons for long periods of pretrial detention without notification of families or attorneys.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

A 1987 Oujda Bar Association study reported that the number of incidents of torture, whether conducted in police stations or at secret locations, is high and increasing, and most frequently involve detainees accused of politically related charges. The study described in detail 15 common techniques of physical and mental torture employed by the Moroccan authorities, which in some cases have led to death or permanent physical or mental defects.

Two Moroccan human rights organizations charged in a joint declaration in March that seven Moroccan prisoners were tortured over a period of 10 days in January and February. The Justice Ministry denied the allegations as "unfounded and without truth." Other reliable reports have confirmed the use of torture and other forms of cruel treatment by police authorities to extract confessions from detainees and punish prisoners accused of both ordinary and political crimes. Public officials are largely protected by law from investigation and prosecution for acts of torture, although in one case of torture leading to death, two gendarmes were suspended.

Two human rights organizations issued a communique in September declaring that "there is not any improvement, tangible or intangible, in the conditions of political prisoners in Morocco." Prison legislation and standards have not been changed since the colonial period, and the amount of funds appropriated for penitentiaries has not been made public. Prisoners are held in degrading conditions; the 1987 Oujda bar study reports acute overcrowding, appalling hygienic conditions in kitchens, cells, and dispensaries, poor medical care, extremes of heat and cold, and lack of ventilation. Disease is prevalent, with a high incidence of permanent defects, chronic illnesses, and mental disorders. Deaths, suicides, hunger strikes, and revolt reportedly occur as a result."

MOROCCO

There are almost daily press reports on prison conditions and abuses committed by the Moroccan police and prison authorities. Many of these reports are based on letters sent to the press by prisoners and their families, who also complain that they are denied visitation rights and the right to deliver food to the prisoners.

In its 1988 Report, Amnesty International (AI) noted that it continued to receive reports of ill-treatment, including beatings, of detainees in police custody, as well as new reports of the torture of prisoners in previous years. It also observed that complaints of torture or ill-treatment did not appear to have been fully or impartially investigated by the courts. AI cited the case of a juvenile prisoner reported to have been tortured apparently after protesting a decision "to move him...to a prison wing where conditions were much worse. Guards were reported to have encouraged criminal prisoners to take part in the attack on him."

d. Arbitrary Arrest, Detention, or Exile

Moroccan law requires that a detainee be brought before a judge within 4 days of detention and informed of the charges against him. The police can request a 48-hour extension of that period. For political crimes, a detainee can be held 8 days, with a 4-day extension. These legal requirements, however, are widely ignored, and detainees are often held for up to several weeks or longer before being brought before a judge, frequently without notice or access to their families or attorneys. It is during these periods of incommunicado detention that torture and inhuman treatment allegedly takes place most frequently. Families can usually learn of detainees' location through their own efforts.

Most persons are arrested in public view, but police sometimes refuse to identify themselves, and warrants are not always used. Arrests are frequently made only on the basis of suspicion. Moroccan law requires that a lawyer be in attendance after the initial presentation of the detainee before the review court, but no such right exists for the prior period of police custody. Morocco does not have an extensive system of bail, although defendants are sometimes released on their own recognizance. Moroccan law does not have a specific provision for habeas corpus or its equivalent. Under a separate code of military justice, military personnel have been detained in past years without warrants or announcement of trial. No such incidents were confirmed in 1988.

Although reliable estimates of arbitrary arrests and incommunicado detention are not available, the Moroccan press reported several dozen arrests during the first half of 1988 involving workers, trade unionists, secondary school teachers, and university professors. Their families were reportedly never notified of the reason for the arrests or the fate of those arrested. The arrestees were described either as Islamic conservatives or students belonging to the banned leftist National Union of Moroccan Students (UNEM). It is estimated that the actual number of those arrested greatly exceeded the number reported.

There are no known instances of political activists sentenced to exile, although allegations were made in 1987 that Moroccan security forces had ordered citizens to leave Morocco or face criminal charges. There are activists who prefer to remain

abroad rather than risk arrest on their return to Morocco. According to some reports, the Government has refused to issue passports which might enable large numbers of exiles to return. As of the fall of 1988, there was no sign that any Moroccan activist living in exile would return to Morocco. The Oujda colloquium on human rights called for the restoration of all rights to exiles, including the right to return, to move about within the country, and to travel abroad.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Morocco has a well developed judicial system which includes courts of original jurisdiction, appellate courts, and a supreme court. Although most cases are handled by civilian/secular courts based in part on French legal tradition, Morocco has a parallel judicial system using Islamic legal principles to deal with marriage, divorce, child custody, and inheritance for Muslim Moroccans. Western legal practices are not applicable in the Islamic courts; Koranic principles govern the limited kinds of cases heard.

In general, cases are brought before an initial review court--the court of first instance in Morocco--which can call for a hearing quickly to bring cases to trial. The detainee is informed of charges and questioned by the judge to decide if they have merit. If not, or if the infraction is minor, the judge may release the detainee or impose a light sentence. If a lengthy investigation is required, the judge may release detainees on their own recognizance. In cases of political crimes, detainees are often held for long periods prior to trial. Defendants have the right of appeal.

The Moroccan judicial system is generally considered susceptible to political intervention and control in cases viewed as challenges to royal authority or state policy. The Oujda colloquium, for example, called for measures to strengthen the independence of the judiciary and to protect defense attorneys from prosecution for their words, actions, and practices. Human rights activists claim that only a minority of lawyers dare to take cases of defendants involved in political issues, and some defense lawyers are intimidated or persecuted. According to the 1987 Oujda study, trials involving political issues are held in an atmosphere of harassment, designed to confuse both defendants and their attorneys. Because of overcrowding of court dockets and lack of judicial resources, defendants often receive only cursory hearings, and judges depend on police reports to decide cases. Although the State provides an attorney at public expense for serious crimes (when the sentence is over 5 years), appointed attorneys often provide inadequate representation. For lesser crimes, needy defendants usually are not represented by counsel.

Although the Government has stated that there are no political prisoners, most observers estimate that there still remain as many as 300 prisoners held for political activities dating as far back as the early 1970's and sentenced to long terms up to life imprisonment. According to an estimate published in June by the Moroccan Association of Human Rights, Kenitra Central Prison alone contains 41 political prisoners (most of whom were sentenced by the Casablanca Court of Appeals in 1977 on charges of endangering the internal security of the State).

In addition, there remain approximately 125 Moroccans convicted of Islamic fundamentalist activities, although some sources insist that the number could be as many as several hundred. Human rights groups in Europe assert that nearly 1,600 persons were tried and sentenced following riots in 1984. Many have been released after completing their terms, but estimates of those still in prison range in the hundreds. The Oujda human rights colloquium called for an amnesty of all prisoners incarcerated for political or trade union activities.

AI's 1988 Report noted reports of detainees who, in addition to possible torture and ill-treatment, were "convicted on the basis of confessions which they said had been extracted under duress."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Arbitrary government interference in the private lives of citizens is relatively infrequent. The Constitution states that the home is inviolable and that no search or investigation may take place without a judicial warrant. However, this stipulation is not always observed in practice, and there continued to be allegations of illegal searches of homes and offices of political activists and those suspected of political activity. It is widely accepted that the Government selectively monitors certain individuals, including their telephones and mail, and that the university campuses are under close surveillance. An informant system exists on the campuses and in poor blue-collar sections of the major cities.

The Government does not generally interfere with the private beliefs of the individual, and there is no forced membership in political organizations. The Government remained concerned about the spread of what it considers radical religious beliefs and carefully monitored activities in the nation's mosques.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression. However, criticism of the monarchy and Islam is not tolerated, and, in the opinion of most observers, foreign policy is also not fully open to free discussion. King Hassan has made it clear that any challenge to Morocco's claim to the Western Sahara is not to be the subject of public debate.

There is some press criticism of the Government and of Moroccan officials, and limited discussion of political and socioeconomic issues. Nevertheless, investigative reporting is severely limited, and journalists are under government pressure to conform to government policy through self-censorship. Officials have frequently seized publications entering the country from abroad through the mail, and distribution of some issues of international journals has been stopped. Some cultural activities, including those of theatrical associations, have also been banned.

Government censorship in the aftermath of the January 20 Fez disturbances was rigorous, aimed at curbing publication of both factual detail and commentary. The authorities briefly placed the Communist newspaper Al Bayane under prepublication censorship and seized the entire January 24 edition.

Authorities also seized the January 24 edition of Al Ittihad Al Ichtiraki and placed the paper under prepublication censorship, allegedly because of a January 23 editorial pointing out inconsistencies in the Government's account of the Fez incident and calling for a parliamentary investigation. Al Alam reported on January 28 that its correspondent had been held and interrogated for 6 hours by the Fez police.

In March the Government seized an edition of the popular French-language women's magazine Kalima and temporarily suspended its publication. The offending edition contained two "muckraking" articles--one on male prostitution and the other an essay on the restrictions placed by Moroccan authorities on the right to hold demonstrations, with references to the Fez student demonstrations of January. The Moroccan authorities allegedly also use the threat of defamation actions to intimidate the press. In July Al Massar, an opposition weekly, was fined about $18,500, and its owner given a suspended prison sentence of 2 months for publishing an article about abuse by a local official, which the court found defamatory. Ministry of Interior and Information officials have called publishers in to review allegedly offensive articles and threatened suspension if such articles continued.

The Arabic language daily Al Anbaa as well as the Moroccan press agency Maghreb Arab Press are government owned. Many newspapers and journals are privately owned, although they are influenced by the Government, receive government subsidies, and reflect official views to varying degrees. Some are controlled by political parties or private groups. Television and radio are government owned, and the views expressed are the Government's. Certain cities receive television broadcasts from Spain, France, and Italy.

There is a measure of academic freedom. Although there are strictures against scholarly investigation of the monarchy and Islam, there is limited research and publishing on Islam and Islamic fundamentalism. In 1987 the authorities banned a book on women's issues, "The Political Harem," by a well-known Moroccan feminist, after it had been distributed in bookstores.

b. Freedom of Peaceful Assembly and Association

While there are constitutional guarantees of assembly and association, these rights are carefully controlled and may, in fact, be abrogated. Two decrees dating back to colonial times (1935 and 1939) enable the Government to suppress any type of popular manifestation of dissent, no matter how peaceful. In January the Government banned peaceful pro-Palestinian demonstrations scheduled by the political parties to be held in Meknes and other centers. In the interest of free assembly, the Oujda colloquium called for the abolition of the two decrees.

Groups seen as threatening the political stability of the regime, such as declared radical leftist and Islamic fundamentalist organizations, are outlawed. Private, nonpolitical associations are usually permitted, after registering with the Government, and professional, business, religious, and cultural associations are active. Permits are required for public meetings, and if the requesting group is a legally registered association, permission is normally--though not always--granted.

MOROCCO

In early December, the Government unexpectedly approved the formation of a new human rights organization. Three times in 1988, the Government had forced postponement of the founding meeting of the new organization, which its founders say would be independent, nonpartisan, and intended to serve as a rallying point for all human rights activists in the country. The 200-300 organizers included leaders from both the leftwing and establishment political parties and prominent figures in academia, the arts, and the professions. The organization met December 10, elected officers, and approved by-laws.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The population is over 99 percent Muslim, and Islam is the official religion. The King bears the title "Commander of the Faithful," and is the religious as well as secular leader of the Moroccan people. The Constitution makes provision for freedom of worship, although proselytizing is prohibited by law. Islamic tenets and ingrained popular attitudes strongly discourage conversion from Islam to another faith. In March a Moroccan Christian convert was arrested and reportedly brutally beaten while in police custody. This treatment was suspected to be due to his religious faith and the fact that he was translating the Bible into a Berber dialect.

There are two organized communities of Christians and Jews in Morocco. There are up to 10,000 Jews, most of whom live in Casablanca and several other major cities. The Jewish community operates schools and social institutions as well as a number of synagogues. Publications in Hebrew are permitted, and rabbis serving the Jewish community are trained in Morocco. Jews are active in the business community and are represented in the Government.

The Government adheres to a pledge by the King to guarantee the Roman Catholic church's right to conduct both religious and charitable work. Catholic clergy, who come exclusively from abroad, minister to some 100,000 foreign residents with parishes in most cities. As a result of the Pope's visit in 1985, a resident apostolic nunciature was established in 1986.

There continued to be reports of administrative harassment of members of the Baha'i community, including the continuation of the 1983 ban on the holding of religious meetings and the sealing off in 1986 of the Baha'i cemetery in Rabat.

The King and other religious leaders continue to oppose "radical" religious beliefs, and a number of Muslim fundamentalists (see Section 1.e.) have been imprisoned. Interior Ministry officials monitor what is taught in the mosques and report deviations from orthodox Islam.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is unrestricted throughout Morocco. As the administering authority in the Western Sahara, however, the Moroccan Government restricts movement in areas of the territory which are militarily contested. There were no reported cases of restrictions on foreign travel for political reasons in 1988, although some persons imprisoned for political reasons in the past have had difficulty obtaining

passports. While there are no formal restrictions on foreign travel and emigration, it often takes an ordinary citizen months to obtain a passport and, in some cases, a passport maynot be issued at all. Some districts of Morocco have liberalized their approach to passport issuance in the past year, but delays and difficulty remain the norm rather than the exception. A woman is obliged to have the permission of her father, or, if she is married, her husband, to obtain a passport. A divorced woman must receive her father's permission for a passport and, if she has custody of children, she must have the children's father's permission for passports to be issued to children.

There are no known instances of the Government depriving any citizen of Moroccan nationality. Moroccan law considers any person who acquires Moroccan nationality to be a citizen for life. As a result, the Government has often refused to recognize the right of foreign embassies to act on behalf of dual nationals, or even to receive information concerning their arrest and imprisonment. This has been a major problem for some Western European embassies. Moroccan law encourages voluntary repatriation for Jewish community members who have emigrated from Morocco. It also encourages the return of Saharans who opposed Morocco in the Western Sahara conflict. Returning former Polisario members deemed to pose no security threat are reintegrated into Moroccan life.

Morocco adheres to the 1951 Refugee Convention. It currently has some 500 refugees, mainly from African countries and Eastern Europe. For a grant of refugee status, the Government requires that the applicant be able to care for his own needs.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Moroccan citizens are not in a position to change their government since the Parliament has little or no authority to effect change, and all executive power is vested in a government appointed by the King which serves at his pleasure. Moreover, the Constitution may not be amended without the approval of the King, who would be unlikely either to abolish or modify the monarchy or the current system of government. The King's messages to the House of Representatives and the nation are not open to debate. The King's Prime Minister shares with Parliament the responsibility for initiating legislation and thus controls the legislative process.

The Parliament passes the annual budget and other items of legislation. However, many measures of importance are promulgated as government decrees or by royal proclamation. Opposition politicians frequently complain that the Government, which must approve the introduction of legislative bills into the Parliament, does not give the body sufficient work, both in terms of the volume of the legislation referred to it and of the importance of the legislation. Opposition party leaders also complain that the Government fails to keep the Parliament advised of developments relating to key issues. Parliamentary absenteeism is high.

While government legislative proposals are rarely rejected outright, the Parliament is sometimes able to modify the bills it passes and, on occasion, persuade the Government to delay or withdraw legislation. A dramatic example came in late 1987 when, after heated debate, the Parliament forced the

Government to withdraw several controversial elements of the proposed budget in order to obtain approval, thus stimulating widespread popular interest and effacing somewhat the Parliament's rubberstamp image.

More than a dozen political parties, representing a spectrum of political philosophies from far left to conservative, competed in the municipal elections of 1983 and the 1984 parliamentary elections. Some of the results were challenged, and there were widespread accusations, which persist today, of government tampering, both in terms of the selection of the candidates and in the tallying of the results. In a number of cases, these challenges were upheld in court.

The Constitution provides that "men and women enjoy equal political rights." Women occupy a few responsible government positions, including at the ministerial staff level, but women's role in political life remains restricted. No woman holds a seat in the 306-member Parliament, although women have run in parliamentary elections. Of 15,000 city council members in Morocco, only 43 are women. Women serve on the executive committees of several of the major political parties and on the Saharan Consultative Council, a body created in 1981 to advise the King on Western Saharan issues. In September, for the first time, a woman was named dean of a Moroccan university.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

It is not known whether any international or nongovernmental investigations have been requested in recent years, although an Amnesty International group visited Morocco in early 1988. The Government is generally sensitive to human rights inquiries and international publicity. It has been very slow to respond to various embassies' inquiries into alleged human rights cases; many such inquiries have gone unanswered for up to 2 years.

Two Moroccan human rights associations are affiliated with political parties and a third is nonpartisan. Although permitted to function, these groups are occasionally subject to police surveillance and harassment. In June the two groups formed a coordinating committee and issued several joint communiques on prison conditions, torture, and political prisoners.

The Moroccan Red Crescent sponsored several seminars in 1988 on human rights and humanitarian law.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution affirms the legal equality of all Moroccans. In the professions, women have made progress in law, medicine, and teaching, but progress in professional fields has not been matched in the society at large. There are areas where traditional standards prevail, especially in the area of private law. Divorce is permitted, but a husband can repudiate his wife while she cannot repudiate him. A man is permitted four wives according to Islamic tradition, although multiple marriages are rare. Serial marriage, however, has become more common due to the ease of divorce for men. Segregation of the sexes is common, especially in social

settings. However, in rural areas and among the urban poor, as well as increasingly among middle and upper class families, women work outside the home and contribute to family income.

Some Berber spokesmen claim that Moroccan institutions do not reflect the Berber character of the population and that, as a result of the lack of Berber-language schools, the Berber identity is not adequately maintained. A popular intellectual monthly review, largely dedicated to questions of Berber identity, was suspended in 1983 and has not reappeared. However, Berbers continue to play a significant role in national and local affairs. Some state-owned radio stations broadcast several hours daily in the Berber language.

Section 6 Worker Rights

a. The Right of Association

The right to organize trade unions is provided for in the Constitution. Three trade union federations dominate the labor scene: the Union Marocain du Travail (UMT), the Confederation Democratique du Travail (CDT), and the Union Generale des Travailleurs Marocains (UGTM). Each has a democratically elected leadership. The UMT has no political affiliation, the CDT is linked to the Socialist Union of Popular Forces, and the UGTM with the nationalist Istiqlal Party. All three federations belong to regional labor organizations and maintain contacts with international trade secretariats. They also attend and participate in the annual conference of the International Labor Organization (ILO). In all, about 1 million of Morocco's 7.5 million workers are organized.

Despite constitutional protection, unions complain regularly that employers have suspended or dismissed their members for trade union activity with little risk of penalty, although the law entails fines or imprisonment for some labor law violations. In 1988 Morocco's phosphate workers--the largest segment of industrialized workers--were unable to publish an announcement of a representation election and instead had to accept slates of delegates chosen by management. Consequently, only a few workers voted, and the unions claimed that "a fair and free exchange of information" had been blocked.

The Constitution gives workers the right to strike, but no detailed law exists to define it. Laws governing settlement of disputes set forth mandatory procedures. Disputes are handled by the Government on a case-by-case basis.

Moroccan law outlaws strikes in sectors affecting national security. The Government has used that provision to ban strikes by teachers, among others. During strikes and work protests, workers have also been arrested and prosecuted under criminal statutes that ban picketing and damage to employers' property. The UMT has filed with the ILO several cases alleging infractions of ILO conventions on freedom of association, the right to organize, and collective bargaining. The ILO Committee on Freedom of Association is monitoring several cases involving dismissals and prison terms for Moroccan strikers and workers involved in trade union activity. The Government reported in April that persons suspended because of participation in a June 1981 work stoppage had been ordered reinstated and that public sector employers had been ordered to normalize the situations of

public servants affected by suspension measures. In late April, however, nonunion miners who struck to protest dismissals were removed and imprisoned for trespassing. Union activists accuse the police and the Interior Ministry of interfering on behalf of employers in these and other labor disputes. Thus, while Moroccan law provides for the right of association, enforcement is irregular.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is also provided for in the Constitution. The multiplicity of trade union federations creates competition to organize workers. Any group of eight workers can organize. Thus, any single factory may contain several independent locals or locals affiliated with more than one labor federation. In both the organization process and during collective bargaining, the law is honored most often in the industrial sector of the economy, especially because government mechanisms to promote worker-employer negotiations are easier to apply there.

In the informal and underground economies, the law is less well observed and sometimes ignored entirely. In part, the state of the economy, with widespread youth unemployment, hinders protection of the organization and collective bargaining process. Workers understand that replacements are available should they be fired for organizing or bargaining activity. On the other hand, workers face no barriers in making complaints to Moroccan authorities or the ILO. There are no special economic zones in Morocco, and labor legislation applies equally throughout the country.

c. Prohibition of Forced or Compulsory Labor

Although there appears to be no legal or constitutional prohibition, there is no forced labor in Morocco.

d. Minimum Age for Employment of Children

Moroccan law specifies that children cannot be employed or apprenticed before age 12. Special regulations govern the employment of children between the ages of 12 and 16. In the traditional economy, however, particularly in artisanal work, children may be apprenticed earlier than age 12. Safety and health conditions in many enterprises employing children are substandard. In 1987 and again in 1988, the Moroccan press highlighted abuses of minors in the rug-making and carpentry industries, and Moroccan children are often seen in the streets of small cities working with yarns. Labor inspectors have difficulty ensuring application of child labor laws.

e. Acceptable Conditions of Work

Moroccan laws provide a 48-hour maximum workweek, premium pay for overtime, paid public and annual holidays, and minimum conditions for the safety and health of workers, including prohibition of night work for women and minors. These are observed unevenly. The Ministry of Labor maintains inspectors to monitor worker rights and working conditions. They lack, however, sufficient resources and authority to investigate complaints and assure compliance with the law.

Minimum wages are set by law and were last raised in January 1988 to about 50 cents an hour for industrial workers. Many workers complain, however, that they never received the

increase. The minimum wage for agricultural workers is less than $3 per day. Although the Government subsidizes staples, a family cannot live easily on the minimum wage. Most industrial workers in the modern sector, however, earn more than the minimum wage, while in smaller establishments and outside the formal economy minimum wage levels are less frequently observed.

WESTERN SAHARA

Morocco assumed administration of the northern three provinces of the Western Sahara after the withdrawal of Spanish forces in 1975, and of the southernmost province in 1979 when Mauritania renounced its claim to the area. The Polisario, an organization which is supported by Algeria and which seeks independence for the territory, has challenged first Spain's and later Morocco's claim to the territory since 1973, and sporadic fighting between its and Morocco's forces continued in 1988.

Sovereignty over the territory remains a subject of international dispute. The Organization of African Unity (OAU) has attempted to mediate a solution, and in 1981 Morocco agreed that a referendum should be held to determine the population's wishes regarding independence or integration with Morocco. These efforts collapsed in 1984 when the Saharan Democratic Arab Republic (SDAR), the civilian arm of the Polisario, was seated at the OAU summit, and Morocco withdrew from the OAU in protest. Morocco had also rejected an OAU resolution calling for direct negotiations between Morocco and the Polisario.

Morocco called upon the United Nations to administer the referendum, and in 1986 U.N. Secretary General Perez de Cuellar lent his good offices to efforts to arrange such a referendum. In November-December 1987, a U.N. technical team visited the territory to explore the practical aspects involved in holding a referendum, and on August 30, 1988, Morocco and the SDAR accepted in principle the Secretary General's proposal to conduct it under U.N./OAU auspices. The Secretary General then named a Special Representative, whose mission was to work out the practical details for holding a referendum. Disagreement continues over conditions for declaring a cease-fire and for the conduct of the referendum itself. However, discussions were under way between the two sides early in 1989 as the Special Representative prepared to begin his work.

Since 1977 the northern provinces of El Ayoun, Smara, and Boudjour have participated in elections held in Morocco, and these three, plus the southernmost province of Oued Ed Dahhab, participated in the 1983 and 1984 elections. All 10 parliamentary seats allotted to the Western Sahara are filled by persons of Western Saharan origin, and the governors of all four provinces, appointed by King Hassan, are native Saharans. The governors administer the provinces in the same manner as Moroccan provinces are administered. Investment in the Western Sahara is tax-free and the Moroccan Government has stipulated other financial incentives to encourage development in the territory.

The civilian population in the portion of the Western Sahara under effective Moroccan control (approximately 85 percent of the territory) is subject to Moroccan political institutions and laws. In general, they experience the same human rights and worker rights practices as Moroccans in areas of undisputed Moroccan sovereignty. There are, however, reports that Saharans often have more difficulty obtaining passports, that their political views are more closely monitored than those of residents of Morocco proper, and that police and paramilitary authorities react especially harshly against those suspected of supporting the Polisario. The Moroccan Government denies such charges and counters with allegations of Polisario human

rights abuses. There has been no opportunity to evaluate the human rights practices of the Polisario in areas of the Western Sahara outside of the berm, the Moroccan earthwork defense line, and these allegations therefore cannot be confirmed or denied.

The Polisario has established an embryonic labor wing called the Sario Federation of Labor (UGTSARIO), which reportedly enjoys close relations with the Soviet-controlled World Federation of Trade Unions and with a few Arab and African national labor centers. UGTSARIO does not engage in customary trade union activities, however, in the Polisario-controlled areas.

NEPAL

The Constitution of Nepal--the world's only Hindu Kingdom--provides that the King is the sole source of authority for all government institutions. Traditional and constitutional restraints limit the King's powers, but he rules as well as reigns. Political parties are formally banned but are permitted to exist and to function more or less openly. However, elections are officially contested on an individual basis. The National Panchayat (legislature) consists of 112 representatives elected directly on the basis of universal adult suffrage and 28 representatives appointed by the King. Legislation passed by the National Panchayat must have the King's approval to become law. The Supreme Court can invalidate laws which it finds to be inconsistent with the Constitution. Officially, the National Panchayat selects the Prime Minister from its ranks; in practice, he must also be acceptable to the King. The Prime Minister appoints the Council of Ministers (cabinet), which is answerable both to the National Panchayat and to the King. The Council manages day-to-day government operations and advises the King. In 1983, for the first time, a Prime Minister was changed by a vote of no confidence.

Internal security in Nepal is maintained by the National Police and, as necessary, by the Army. Because communication links in Nepal are limited, local officials have a great deal of autonomy and exercise wide discretion in handling law and order issues.

Nepal is one of the world's poorest countries. Over 90 percent of its 18 million people are engaged in subsistence agriculture. Economic development varies widely: the Kathmandu valley and the Terai (the lowland area adjacent to India) are being developed more rapidly, but population pressures and environmental degradation in the hills between the Terai and the Himalaya mountain range in the north keep that area the poorest region of the country.

There were increased reports of human rights abuses in 1988. Physical mistreatment of prisoners, particularly political prisoners, reportedly increased, and disappearances of prisoners and detainees continued. There were more arbitrary arrests and detentions. The Government did not close down any newspapers in 1988--an improvement over 1987--but arrests of journalists continued, and prepublication censorship of newspapers was introduced. Repression of an independent teachers' association continued with the arrest, transfer, and dismissal of many association members. There were also signs of greater government zeal in prosecuting individuals suspected of religious proselytization or conversion, both of which are illegal under Nepalese law.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no proven instances of political killing, but the Government claims that the August death of a controversial leftist politician (and former member of the National Panchayat) was politically motivated. He was attacked by a mob while distributing earthquake relief supplies.

b. Disappearance

The local press and private human rights organizations reported that four political prisoners arrested in the past 4 years had disappeared. The Nepal National Teachers' Association also reported the disappearance in August of a teacher who was arrested earlier in the year. The Government has not accounted for four men reported by Amnesty International in 1987 to have disappeared after being arrested in 1985.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There have been persistent reports in the past, particularly from remote areas, that police regularly used brutal methods to interrogate or intimidate prisoners, whether criminal, political, or religious. There were new reports in 1988 that prisoners--particularly political prisoners--had been beaten in the two main Kathmandu jails. Many observers attribute the widespread use of beatings to the fact that the police, especially in rural areas, are poorly equipped to carry out investigative work, and instead use force to obtain confessions.

As in past years, a small number of prisoners (under 10) was reported to have died in police custody as a result of torture, sometimes inflicted by other prisoners given disciplinary powers by officials. The Government has rarely conducted active investigations into allegations of police brutality or acknowledged public concerns about its prevalence, but some officials privately admit that they are unable to control police excesses. In its 1988 Report, covering 1987, Amnesty International (AI) reported allegations of torture similar in pattern to those of other years. Victims included students arrested for participating in political protests, and the offices of the police at one facility were cited repeatedly as a place where torture took place.

Places of detention reflect the country's basic poverty and low standard of living. The sum alloted to prisoners for food is often insufficient to meet their needs, and portions of that allowance are often siphoned off by guards.

d. Arbitrary Arrest, Detention, or Exile

The Public Security Act (PSA) permits 9 months' preventive detention before charges must be filed if the detention order is issued by a local or regional official, and up to 18 months' detention if the order is imposed by the central Government. PSA detention orders can be, and often are, renewed for up to 3 years. Some individuals have remained in custody for several years without charges being filed or their cases coming to trial. There are reports that some people are held in prison after completion of their sentences and, in some cases, in defiance of a Supreme Court order for their release. In addition, the Public Offenses Act permits a district official to issue an order for up to 6 months' detention, or a sizable fine, and was used in 1988 to detain several persons who spoke critically of earthquake relief operations or who were engaged in relief activities outside the officially designated procedures.

NEPAL

Persons detained or punished for the expression of views critical of or different from the Government's are often charged under the Treason Act, instead of being detained under one of the above acts. Persons are often detained without warrants, and are permitted access to a lawyer of their choosing only after they are no longer technically in police custody. This can be up to 25 days in criminal cases. Those detained under the PSA are formally presented with a document stating that they are being held under that Act when they are moved to jail. For common crimes, the law provides that a suspect must be brought before a court within 24 hours, and must be informed of the general grounds for the arrest or be released. A 7-day extension may be granted for the completion of the police investigation. In most cases, local law does provide a person in detention with the right to a judicial determination of the legality of the detention, but this right is often disregarded.

There is a functioning system of bail, but bail levels were substantially increased in 1987, making bail too high for most Nepalese. Legal sources also report a growing tendency over the past 2 years for judges not to set bail, and many accused are held throughout their trial period.

Arbitrary arrests and detention are common, and although exact numbers are difficult to determine, it is reliably estimated that several hundred such arrests and detentions took place in 1988. On the national level, short term arrests and detentions, sometimes without the issuance of any order, may be used as a political weapon. On the local level, they are used as a form of simple harassment.

In February up to 150 workers of an outlawed opposition party and some students were detained when they organized a general strike. One of the detainees, the former Vice Mayor of Kathmandu, remains in jail. Over 100 persons were detained in March when they attempted to organize rallies in several cities protesting the mishandling of a stampede of soccer fans at the national stadium that took 79 lives, and over 50 people were arrested in July when they attempted to plant trees or donate blood on the anniversary of the death of a prominent opposition leader.

Official exile is not practiced in Nepal. With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The law provides for the right to a public trial except in some security and customs cases; it is usually honored. Except for those held in preventive detention, the Constitution provides for the right to counsel and protection from double jeopardy and retroactive application of the law. These rights are not always respected, however.

Military and civilian courts are separate. Military courts generally deal only with military personnel, but civilians may also be tried for crimes involving the military. Lower court judges are appointed by the Government on the recommendation of the Judicial Service Commission. Higher court judges are appointed by the King on the recommendation of the Chief Justice of the Supreme Court. In cases of terrorism or treason, the Destructive Crimes Act and the State Offenses and Punishment Act provide for closed trials before specially constituted tribunals.

The judiciary is legally independent, but is generally not assertive in challenging the Executive. Law enforcement officials frequently ignore even writs and orders issued by the Supreme Court, or reply that the person in question is not in their custody. There is no mechanism for courts to follow up their writs and orders. All lower court decisions, including acquittals, are subject to appeal. The Supreme Court is the court of last appeal, but the King may grant pardons and set aside judgments.

The Government has acknowledged holding political prisoners, but there continues to be no agreement in Nepal on what this term means. In opposition usage, it can include a wide variety of offenders, ranging from editors and student activists to convicted murderers. Current estimates of the number of political prisoners range from 157 to more than 248, a significant increase over estimates in 1987.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respects the privacy of the home and family, principles which are bolstered by Nepalese law and tradition. Except for those suspected of narcotics or security violations, search warrants issued by Chief District Officers are required before search and seizure. The correspondence of some individuals, both Nepalese and foreign, is opened with little attempt at concealment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Under the Constitution, freedom of speech and of the press may not be exercised in support of a political party or "to the detriment of the common good, the monarch, or members of the royal family." In practice, this rule is widely interpreted to permit criticism of the Government but not of the monarch or of the royal family. However, in 1988, criticism of the Government concerning especially sensitive topics, such as a stadium disaster and earthquake relief efforts, also prompted restrictions on freedom of speech and press. The travel of journalists to earthquake-affected regions was reportedly restricted, and the Government threatened to take severe action against newspapers seeking "to distort facts about the relief operations."

The sole radio service and television station in Nepal are run by quasi-public bodies and avoid controversial topics.

The Government did not close any newspapers in 1988, a major improvement over 1987 when 19 were closed. This may have been due to the fact that almost all such attempts in the past were eventually overturned in court. However, prepublication censorship of papers was instituted for the first time in 1988. At least five publications in the Kathmandu valley had to provide draft copies of their issues to local authorities for approval. All copies of one publication were seized before release, despite the editor's compliance with the authorities' censorship instructions. Journalists' groups continued to complain of the uncertainty surrounding what may be found objectionable at any given time.

Four journalists were arrested in 1988. In September the editor of a weekly paper was arrested after publishing an

article critical of the Government's role in the death of a former Panchayat member mentioned earlier. He was subsequently served with a 9-month detention order under the PSA. An editor of another weekly was also jailed in September in connection with his authorship of a book claiming that certain castes received privileges and favors to the detriment of his own and others.

The two dailies with the largest circulation are government organs. They carry some reports of opposition activities and criticism of the Government, as well as extensive coverage of the debates in the National Panchayat. A major complaint of the independent newspapers is that government advertising (and most private advertising) goes only to the two semiofficial newspapers. They also complain that access to paper supplies, controlled by a government business, is sometimes manipulated for political reasons, and that other facilities are sometimes denied them by the Government. Nevertheless, the independent press continues to be fairly vigorous and candid in its criticism of government policies and motives.

Foreign publications are seized or banned when deemed to carry articles unfavorable to the Government or the monarchy. Circulation of banned or proscribed articles can lead to arrest and imprisonment, and several persons were arrested for possessing or circulating articles unfavorable to the Crown Prince, which had been published in the British press.

Academic freedom is limited. There is only one university in Nepal. All professors are essentially civil servants and therefore have limited autonomy. Self-censorship is a phenomenon throughout the university system, especially at campuses outside Kathmandu, where awareness of official monitoring is great and teachers are careful not to get involved in politics. A few respected professors can publish articles in foreign journals about Nepalese politics that are somewhat critical of the Government, but are careful to avoid involvement in politics and publishing similar articles domestically.

b. Freedom of Peaceful Assembly and Association

Regulations permit local authorities to prohibit meetings, speeches, and posters if they are found not to be "for the convenience or good of the general public." These regulations are frequently invoked. The law also forbids activities detrimental to the monarchy, to relations among people, or to national security. All political parties are banned under the partyless panchayat (council) system, although, in practice, political party members are generally permitted to assemble privately and to express their views in the independent press.

Regulations governing political activities are interpreted differently by local authorities in different areas of the country, and the decision whether to permit a political meeting is made on an ad hoc basis. The Organizations and Associations Control Act requires that all organizations be registered with the Government and stipulates that members of applying organizations must receive a police report stating that they are not "antisystem." Approval of registration applications is often denied, but many groups do meet without seeking approval, or after approval is denied. Student groups, including those openly affiliated with the banned political parties, are allowed to contest campus elections. However, they are usually prevented from holding meetings or

demonstrations off-campus, and a number of student leaders are usually in jail at any given time.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The great majority of Nepalese are Hindus. There is a sizable minority of Buddhists and small numbers of Christians and Muslims. A certain measure of religious tolerance is traditional. The Constitution provides that "every person, having regard to the traditions, may profess and practice his own religion as handed down from ancient times." The Constitution also provides that "no person shall be entitled to convert another person from one religion to another." The legal code provides a maximum penalty of 1 year in prison for any Hindu who converts to another religion and 3 to 6 years for any person who seeks to proselytize a Hindu.

Five new cases were registered in which 6 people were charged with proselytization and 37 with conversion--double last year's total indictments. Including cases initiated in prior years, approximately 156 persons remained under indictment in 49 separate cases. Approximately 70 defendants have been convicted but remain free on bail pending appeal. Although no one is currently serving a sentence for either offense, 1988 was the first year in which bail was refused for the defendants in one new case. Also for the first time, the Government appealed the granting of bail in another case. In August seven people in Hetauda were charged with conversion, including a 16-year-old boy whose family reportedly had been Christian since his grandfather was converted in India. While judicial interpretation has been that conversion outside of Nepal is not illegal, in practice, some defendants have been charged if they could not provide proof, often unavailable, of conversion outside Nepal.

In 1986 two Roman Catholic nuns, a priest (all Indian nationals), and a Nepalese citizen were arrested and, they claimed, tortured. All four were convicted in December 1987 of proselytization and sentenced to 6 years in prison. The case has been on appeal since December 1987. All four defendants have been out on bail since their release in 1986. The three Indian nationals have returned to India but plan to return to appear in court when a reporting date is set.

There were also articles in the vernacular press attacking the spread of Christianity in Nepal. In September, the official press reported a speech by the Minister of Home Affairs in which he highlighted the Government's policy of taking "strong action" against persons spreading, or converting to, Christianity. Some Nepalese Christians continued to allege that harassment inhibited the free practice of their religion, even when they were not engaged in proselytizing, and some also claimed to have experienced difficulties obtaining citizenship documents and passports. Customs officials reportedly began to impound Bibles being brought into Nepal by travelers or returning citizens.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel within the country for Nepalese citizens, although foreigners and journalists are

restricted from traveling to several border areas. Nepalese abroad are free to return home. There are no known cases of revocation of citizenship for political reasons.

Nepal has no stated refugee policy. In the past, it has accepted and assimilated approximately 12,000 Tibetan refugees. However, for the first time, a total of 26 newly arrived undocumented Tibetans were detained for several months and were eventually returned to China in September. Senior government officials stated that new arrivals from Tibet lacking proper Chinese documentation would not be considered refugees and would be turned back at the border if caught. However, government officials have stated that individual requests for asylum will be considered.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political legitimacy in Nepal flows from the King, who is revered as an incarnation of the Hindu god Vishnu and who plays the dominant role in the political system. The Constitution is bestowed by the King, not adopted by the citizens of Nepal, and there is no mechanism by which they can legally change the political system. Most Nepalese accept and support a central role for the King, seeing the monarchy as the symbol of Nepalese nationalism and a force which binds together the disparate ethnic and linguistic communities of Nepal. At the same time, however, there is substantial support, especially among educated Nepalis, for broader participation in the political system.

Within the National Panchayat, there is lively debate on many issues, but not on the monarchy itself, which cannot be criticized in the legislature or in print. The continued ban on political parties makes it difficult for public opinion to be mobilized and represented outside the strict confines of Nepal's panchayat (council) system. The outlawed Nepali Congress Party and a variety of disunited Communist groups, however, try to criticize the Government on some issues and to serve as sounding boards for popular feelings. In the absence of recognized political parties, however, the Palace still effectively dominates the legislature.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several unregistered human rights organizations in Nepal which address domestic human rights issues, and there is an unregistered branch of AI. Human rights activists disseminate their views in public meetings, newspapers, and pamphlets. The 1988 celebration of the anniversary of United Nations International Human Rights Day in December was the focal point for multiple nationwide campaigns to bring attention to human rights concerns.

Members of international human rights groups, including AI in 1987 and Asia Watch in 1988, have visited Nepal, though not always with the foreknowledge of the Government. Occasionally such visitors have felt that they were the object of officially sanctioned surveillance and intimidation.

The Government has supplied only limited replies to the International Labor Organization's requests for information on a complaint filed by the World Confederation of Organizations

of the Teaching Profession on behalf of the Nepal National Teachers' Association--see Section 6.a. The Government's general practice has been to avoid public statements on foreign references to its human rights practices.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Women in Nepal have the right to vote and to hold property in their own names. Women's property rights have been enforced by the courts when cases have been brought to them, especially in the Kathmandu area. However, women still do not enjoy their rights fully in many rural areas, where the weight of tradition, lack of education, and ignorance of the law remain severe impediments to the exercise of these rights. Women's literacy rates continue to be far lower than those for men, and the participation of women in government and private business is still limited. Awareness of the problem is growing, however, and the Government is slowly recognizing the need for changes in policy and practice that will improve the situation. The Queen's support for women's legal services has been helpful in this regard. There are a number of women active in political life, including the Minister of Health and the Ambassador to India.

Still largely a traditional society in terms of religion and social structure, Nepal remains wedded to the caste system. However, public discrimination on the basis of caste, particularly the public shunning of "untouchables," has been outlawed and is officially discouraged. The spread of education and higher levels of prosperity, especially in the Kathmandu valley, are slowly reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Politics in Nepal continues to be dominated by higher castes (Brahmins, Chetris, and certain elements of the Newar community), but representation of other castes is slowly increasing.

Section 6 Worker Rights

a. The Right of Association

Although workers do not enjoy the right to form associations independent of the Government, their interests are considered by the Government to be fully represented through the Nepal Labor Organization (NLO). The Government banned trade unions in 1960. In 1963 the NLO was established by the Constitution as one of the "class organizations" to reflect the interests of various classes of Nepalese society. All factory, mill, and other wage earners, including those in the transportation sector, are eligible for membership in the NLO, but membership is not mandatory. In addition, under the provisions of the Nepal Factories and Factory Workers' Act of 1959, as amended, (hereinafter referred to as "the Act"), factory managers are directed to form committees representing both management and labor "to encourage friendly and amicable relations." The committees are supposed to meet once a month. The number of members of each committee is not to exceed 20, with equal participation by management and labor.

There is a legal right to strike, provided that the strike is authorized by the NLO. In practice, the few strikes which have been held in recent years have been illegal wildcat actions, undertaken without the blessing of the NLO. However,

the NLO has become involved in mediating between strikers and employers after illegal strikes have begun.

After originally approving the constitution of the Nepal National Teachers Association (NNTA), the Government has refused to register it. It has reacted severely to NNTA agitation for better working conditions, higher salaries, and increased government support for education. Since the NNTA's first meeting in 1979, hundreds of teachers have been imprisoned for periods as long as 2 years in connection with nationwide strikes, congresses, or other NNTA activities. Over 70 teachers were dismissed from their jobs, over 100 were transferred to remote areas, and 7 are reported to have died as a result of unsolved murders or while in police custody. Subsequently, in 1987 the Government succeeded, after several failed attempts, in forming two alternative government-sponsored teachers organizations. In 1988 several teachers were dismissed after refusing to support the new organizations.

Nepal is currently the subject of a complaint filed at the ILO concerning allegations that the Government has repressed the NNTA. The Government has supplied only abbreviated replies to the ILO's requests for information concerning the case, and it refused to issue passports to NNTA leaders who attempted to travel to an August conference of the World Confederation of Organizations of the Teaching Profession, which filed the complaint.

b. The Right to Organize and Bargain Collectively

Workers do not enjoy the right to organize and bargain collectively.

c. Prohibition of Forced or Compulsory Labor

The Act is silent on the question of the use of any form of forced or compulsory labor. Forced or compulsory labor is not practiced.

d. Minimum Age for Employment of Children

The Act sets the minimum employment age for children at 14, but according to many sources, child labor is common in privately owned factories and in the service sector where the Act is not rigorously enforced.

e. Acceptable Conditions of Work

The Act sets conditions of work with respect to minimum wages, a 44-hour workweek, and standards for occupational safety and health, but implementation is uneven and the Act is not rigorously enforced. The few large factories in Nepal, i.e., those with 100 or more workers, are thought to be in better compliance with these regulations than the more numerous small enterprises. Minimum wages are set for four categories of employment as follows: unskilled--approximately $21 per month; semiskilled--$23 per month; skilled--$27 per month; highly skilled--$34 per month. These wages are considered sufficient only for the most minimal standard of living.

OMAN

The Sultanate of Oman is an absolute monarchy without popularly elected representative institutions. The reigning Sultan, Qaboos bin Said Al Said, is the 14th ruler of the current dynasty. The State Consultative Council, formed in 1981, functions as an advisory body on economic and social questions. Members are appointed by the Sultan who has continued the house of Al Said's long tradition of firm control over all questions affecting the Omani State. At the same time, the Sultan has built on an earlier trend to bring notables of the tribal system of the interior into the national administrative system.

National security remains an important concern. Although an insurrection in the southern province of Dhofar, supported by the People's Democratic Republic of Yemen (PDRY) was defeated in 1975, Oman has continued to devote considerable revenue to defense in the face of threats from the PDRY and, more recently, Iran. Oman's strategic location on the south shore of the Strait of Hormuz has exposed the country to the increased tension in the Persian Gulf area. The internal security services are large, efficient, and pervasive, but are not generally regarded as repressive. Many key jobs in the Government, especially in the military and internal security services, are occupied by outsiders, including many British, although the number of expatriates is declining.

Almost totally undeveloped in 1970, Oman has used its modest oil revenues to foster a remarkable degree of progress in the social, economic, and administrative spheres, achieving a significant improvement in the living standards of its people. A sharp fall in oil prices in 1986, however, caused a cutback in government spending and triggered a recession, which is still continuing.

There were no major developments in 1988 with significant impact on the human rights environment in Oman. While civil and political rights are not formally codified, the integrity of the individual is generally respected, particularly in the absence of any organized opposition to the Government. The people have reasonable access to their Government at the Wali (governor) level; the Walis and tribal leaders in turn have access to the Sultan, his advisers, and ministry officials to present the views of the people they represent.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings in Oman in 1988.

b. Disappearance

No cases of disappearance were reported in 1988.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Reports of torture or other forms of cruel punishment by Omani authorities are infrequent. Amputations and related punishments under Islamic law are no longer carried out.

d. Arbitrary Arrest, Detention, or Exile

Although Omani law does not provide for habeas corpus or its equivalent, the period of detention before trial in criminal cases is usually short. Police notification may be slow, but incommunicado detention is not practiced. Under current Omani practice, a person suspected of a crime may be held up to 15 days while a case is under investigation, although this may be extended to a maximum of 70 days if approved by the magistrate. Attorneys are not always permitted access to their clients. While there have been abuses of the police power of arrest, the criminal code imposes penalties for unjustified arrest or detention. Citizens have several channels through which they can seek redress of any grievance against law enforcement authorities, and these channels appear to serve their purpose well, particularly in rural areas.

Membership in certain unauthorized organizations is a criminal offense. The Dhofar insurgency (1965-1975) led to the imprisonment of members of the Popular Front for the Liberation of Oman (PFLO). All of those arrested during the rebellion have been released, and many former insurgents benefited from an amnesty and returned to Oman from the bordering areas of the PDRY. However, the PFLO remains a proscribed organization. All Omanis who were in exile under the previous Sultan were given the opportunity to return, as many thousands did after 1970. The grace period for those in self-imposed exile who wished to return to Oman formally ended on December 31, 1986, although amnesty has subsequently been granted to at least one additional returnee.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Oman's first criminal code was enacted in 1974. This code does not explicitly state the rights of the accused during the criminal process, nor does it have rules for admission of evidence during trials or codified procedures for entering cases into the criminal system. A draft revised criminal code was circulated for comment within the Government in 1988 and is expected to address many of the existing shortcomings.

Judicial practice in Oman largely conforms to the prescriptions under Islamic law for a fair and speedy trial before experienced and impartial judges. However, there is no right under law to a jury, counsel, or public trial, and attorneys are not provided for those who cannot afford them. If a case proceeds to trial, it is heard before a judge alone. Generally, all questioning is conducted by the judge, and there is no examination or cross-examination by the prosecution, accused, or attorney of the accused. Either side may request the judge to ask particular questions of a witness, however, and some judges do permit direct questioning of witnesses. At the discretion of the judge, the accused may call witnesses. Decisions are generally pronounced promptly, and sentencing is immediate. Verdicts are final, although there may be informal appeals to the State Advisor for Penal Affairs and ultimately to the Sultan in cases involving serious offenses. The Sultan must approve death penalty verdicts. The various judicial systems are technically

subordinate to the Sultan, but they operate independently in the majority of cases.

Although Islamic law is administered throughout the country by Islamic judges (qadis) in Shari'a courts, the jurisdiction of the Shari'a court is limited to civil, including commercial, as well as minor criminal cases. Similarly, recently reconstituted "barzah" or people's courts--presided over by walis (governors), judges, and staff--handle personal and minor commercial disputes but not criminal cases. There is also a security court system that handles internal national security cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Warrants are not required to search private residences, offices, or vehicles. However, such searches, as well as the monitoring of telephones and private correspondence, are confined to cases where the Government perceives a security threat or criminal activity.

Although there is no government policy to discourage the use of other languages in speech or print or in religious instruction in the home, the Government has increasingly insisted that correspondence with it, and public and legal documents, be in Arabic. A 1986 law banned, with a few insignificant exceptions, marriage between Omanis and foreigners. The move was explained as an effort to stem the erosion of Omani culture. Those already married to foreigners had to register within a specified period or risk forfeiting their citizenship and that of their offspring.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no provisions in law which protect freedom of speech or freedom of the press. Criticism of the Sultan in any form or medium is prohibited by law. Criticism of individual officials, agencies, and their programs is tolerated but is not given media coverage. The Government controls all radio and television broadcasting. Government control of all printed matter, including newspapers and magazines, is specified in the press and publication law, issued in May 1984. The law imposes strict controls on, and a mechanism for, prior censorship of all information in printed form in both domestic and imported publications. The Government owns two of the three daily newspapers, one in Arabic and one in English. Subsidies to the several privately owned weekly and biweekly publications provide an effective incentive to self-censorship, although there have been arrests and closure for offensive articles. Thus, editorials and news coverage invariably reflect the Government's views.

Publications arriving in Oman from foreign countries are censored for politically or sexually offensive material and are occasionally banned. The censor's attention generally focuses on articles that directly attack or embarrass the Government. In 1986 the regional correspondent of a respected economic journal was warned of the consequences of critical coverage of Oman, and one local English-language newspaper was shut down. In the last 2 years, three expatriate reporters have been deported for articles written about Oman.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is not guaranteed by law. Associations of any kind must register with the government, and those which oppose the political system of the Sultanate are prohibited.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Oman is an Islamic state, and virtually all Omani citizens adhere to one or another sect of Islam, the exception being the small Hindu community made up of Omani citizens of Indian origin. Ibadhi Muslims probably form the largest group of Muslims in Oman and include the ruling family. However, there may be as many or more Sunni Muslims in the country, and members of both the Sunni and small Shi'a communities are found in all walks of life in both the public and private sectors. Non-Muslim foreigners, both Christian and Hindu, are allowed to worship at designated locations on land donated by the Government. Although there is no indigenous Jewish community, Jews are not barred from living and working in Oman. Religion is not a factor in gaining entry into Oman. Non-Muslims in Oman are prohibited from proselytizing. Conversion to Islam is encouraged and publicized.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

With the exception of a few military areas, there are no restrictions on travel by Omanis within their country. The Government's development of transportation has greatly increased the ability to move within the country to heretofore inaccessible areas. Omanis living abroad before 1970 have returned to Oman in large numbers with official encouragement and without legal obstacles. Several thousand ethnic Omani refugees from East Africa, particularly from Zanzibar, have been resettled successfully. Many Omanis who had sought refuge in the People's Democratic Republic of Yemen during the insurgency in Dhofar (1965-1975) have returned to Oman with official encouragement. Non-Omani refugees are not permitted to remain in Oman. Those few that reach Oman are generally returned to their homelands unless they can be quickly resettled in a third country. Omanis may travel abroad freely, although a woman must have authorization from her husband or father to obtain a passport. Many Omanis work abroad, particularly in the United Arab Emirates, where an estimated 30,000 Omanis are currently employed. Many of these people travel home to Oman on weekends.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Sultanate of Oman has no formal democratic institutions. Consequently, its citizens do not have the ability peacefully to change their leaders or the political system. Oman is a monarchy in which the Sultan retains the final word in all government decisions. Succession to the monarchy is determined through a consensus of the ruling family and leading public figures. There are no political parties, legal opposition groups, elections, or constitution. Citizens have access to senior officials through the traditional practice of submitting petitions for the redress of grievances. Successful redress depends on the effectiveness of personal

contact and the quality of the persons chosen as intermediaries. Outside of Muscat, the Government still reflects the tribal nature of Omani society. Traditional elites dominate the tribal and town councils, which settle intratribal disputes. Final authority, however, is with the walis, who are appointed by the Sultan.

In an effort to broaden participation in the Government, the Sultan formed the State Consultative Council in 1981. It consists of 55 members drawn from the Government, the business community, and the outlying districts. It includes members of every significant ethnic, geographic, and religious group. At present, the Council's role is an advisory one, limited to the social and economic spheres.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government of Oman declined to receive a proposed Amnesty International mission in 1972 during the insurgency in Dhofar. Since then, there have been no known requests by international human rights organizations to visit Oman. There are no independent organizations to monitor human rights violations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Though conservative, Oman has not been extreme in the interpretation of Islamic precepts on the status of women. Women have shared in the benefits of the social and economic growth of recent years, and schooling for girls is available to the same extent as for boys in urban areas, less so in rural areas. However, for cultural reasons, the level of education which girls attain is still below that of boys. Many urban Omani women drive cars. A few women have reached high positions in the public sector, and a woman was named an undersecretary for the first time in 1988. By and large, however, occupational advances available to women are limited to the traditional spheres of teaching, secretarial work, and nursing.

The gains achieved by a small minority of women are largely irrelevant to the great majority, both in the towns and in the rural areas, who live their lives within the confines of the house and the local marketplace. The previous lack of adult education facilities means that all but the youngest females in rural areas are illiterate. This general lack of education, combined with communal and tribal customs which dictate a subsidiary role for women, makes it difficult for most adult women to participate fully in the modern sector. The expansion of educational facilities for girls (including the new university) will allow for some equalization of the position of women in the future, but communal and tribal customs will continue to work against full participation by women for the foreseeable future.

Section 6 Worker Rights

a. The Right of Association

Labor unions are illegal in Oman, and, as specified in Oman's labor law, "it is absolutely forbidden to provoke a strike for any reasons."

b. The Right to Organize and Bargain Collectively

The labor law provides procedures for pursuing a "collective grievance" and encourages conciliation of disputes through the formation of joint consultative bodies of labor and management. Employers are forbidden by law from making a distinction between workers who belong to these consultative bodies and those who do not.

Oman's labor law, issued in 1973, is a comprehensive document defining conditions of employment for both Omanis and foreign workers, who constitute 50 percent of the work force. Labor legislation and practice is uniform throughout the country. Work rules must be approved by the Department of Labor and posted conspicuously. Under Oman's labor court system, any employee (Omani or expatriate) may file a grievance. The employer pays all costs incurred in the filing of the grievance, regardless of the verdict. The employee cannot be reprimanded or punished for filing a grievance. The labor law is reportedly fairly enforced, and the labor courts generally give workers the benefit of the doubt in grievance hearings.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor.

d. Minimum Age for Employment of Children

Employment of children under the age of 13 is prohibited. Omani law regulates the employment of juveniles, defined as those between the ages of 13 and 16, prohibiting evening and nighttime work, strenuous occupations, and overtime and holiday work.

e. Acceptable Conditions of Work

The labor law states that the Government can determine the minimum wage and make adjustments according to economic circumstances. The minimum wage, which does not cover domestic servants, farmers, government employees, or workers in small businesses, is currently set at approximately $180, plus approximately $39 each for transportation and for food (if not provided). In fact, the minimum wage is not an issue for most Omanis as few are paid wages that low. For expatriate workers, who are also given lodging, the minimum wage plus benefits is enough to maintain an adequate standard of living. For foreigners not covered by the labor law, the respective embassies in many cases set suggested minimum wages.

The workweek is set at 48 hours (36 for Muslims during Ramadan). Every worker has the right to 15 days of annual leave during the first 3 years of employment and 30 days per year thereafter. Oman's labor law and a subsequent 1976 law "governing compensation for occupational injuries and illnesses" cover in detail issues of occupational safety and access to medical treatment. Employees covered by the labor law can recover compensation for industrial injury or illness. The laws on child labor and conditions of work are enforced effectively and uniformly throughout the country.

PAKISTAN

Following the National Assembly elections of November 16 in which her Pakistan People's Party (PPP) received a clear plurality, Benazir Bhutto was asked by President Ghulam Ishaq Khan to form a government on December 1. Thus, for the first time in over a decade, Pakistan is governed by a Prime Minister who received, in what were judged by all observers to be the fairest and most orderly elections in Pakistan's history, a clear electoral mandate. Within several days of assuming power, Prime Minister Bhutto announced her government's intention to address a number of human rights issues, most notably by lifting restrictions on labor unions and by streamlining the procedures through which those convicted by martial law courts before 1985 could seek redress. On December 7, the sentences of nearly 17,000 prisoners or people convicted in absentia were remitted, and on December 8 Prime Minister Bhutto announced an amnesty affecting over 1000 political prisoners.

The Bhutto administration was the third to govern Pakistan in 1988. Following the death of President Mohammad Zia-Ul-Haq in a plane crash on August 17, an interim administration was headed by President Ishaq, a former finance mininister. President Ishaq adhered to the election schedule which had been set by President Zia before his death and defended the integrity of the electoral process during 3 crucial months in the face of challenges from several quarters.

The Supreme Court also played a critical role in insuring the democratic character of the November 16 elections. On June 20, the Supreme Court struck down a constitutional provision which had allowed the Government to reject the applications of individual political parties to participate in elections. On October 2, the Supreme Court ruled that in the November elections, political parties could use any of the specially approved party symbols, which are of considerable importance in a country with a high rate of illiteracy. Three days later the Court reaffirmed the importance of holding the elections as scheduled. It also overturned a Lahore High Court decision and ordered that all voters in the November 16 elections would be required to produce government identification cards. This requirement is considered to have substantially reduced the level of fraud at polling places.

Pakistani military forces are the world's 11th largest, numbering some 500,000 men. The army is called upon on occasion to restore order during civil disturbances. In addition, paramilitary forces operate in frontier areas. Police forces, which are under provincial control, are often poorly trained, undisciplined, lack professionalism, and are often accused of misconduct.

The public sector share in Pakistani industry has diminished in recent years. In 1982 industry was divided evenly between the public and private sectors. By 1987-88, private sector investment accounted for 83 percent of total investment in the manufacturing sector. Pakistan continues to make impressive economic gains, even though long-term growth may be hampered by a poor educational system, widespread illiteracy, limited resources, and a continuing bias among many officials against an expanded private sector.

Despite the political upheavals of 1988, human rights began improving in some areas before Benazir Bhutto became

Prime Minister. Soon after President Zia's death the Government began to review the convictions of limited categories of prisoners sentenced by military courts during the martial law period and, in some cases, significantly reduced sentences. The Press and Publications Ordinance, which allowed the Government to suspend newpapers, was replaced with a less stringent ordinance. Finally, in a decision that demonstrated the independence of the judiciary and the growing emphasis on the rule of law, the Supreme Court ruled that President Zia's dissolution of the national and provincial assemblies and the Junejo government in May was unconstitutional.

In other areas, however, human rights still suffered. Kidnapings and random violence continued to plague much of the southern province of Sind and the tribal areas in the Northwest. Government forces have at times violated individual rights and used excessive force in efforts to combat banditry and reestablish law and order. There were repeated incidents of ethnic violence, especially in Karachi and Hyderabad, while ethnic and sectarian political groups expanded both their membership and influence. According to official figures, 154 persons were killed in eight ethnic riots in Karachi alone during the first 10 months of 1988. Widespread police abuse of prisoners and the failure of authorities to try and punish personnel who commit such abuses remained a significant problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There was no evidence of government or government-instigated political killings.

Ethnic clashes have brought one kind of political killing to Pakistan. A Hyderabad municipal councillor was killed in an armed attack in July during which the Hyderabad mayor was seriously wounded. Both were members of the Mohajir Quami Movement, an organization that seeks to advance the interests of Pakistani Muhajirs, or immigrants from India. Those accused and arrested for the attack were members of the rival Jiye Sind Students' Front, an organization that tries to protect the rights and privileges of ethnic Sindhis. In September and October, over 200 persons from both ethnic groups were killed in armed attacks by unknown assailants in Hyderabad and Karachi. In November and December, police authorities arrested two suspects believed to be involved in the Hyderabad attack.

Several prominent political figures were assassinated in Pakistan during 1988. A prominent Shi'a political leader was assassinated by unknown assailants in Peshawar on August 5. On February 11, the director of the Afghan Information Center, Dr. S.B. Majrooh, was shot to death in Peshawar. It is still unclear who was responsible for these killings.

b. Disappearance

There were no reports of government-instigated disappearances. Kidnapings by highwaymen of prominent persons occur regularly in rural Sind, usually for ransom.

PAKISTAN

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Police beatings and torture of arrestees are common and have reportedly led to death in some instances. Beatings, whipping of the soles of the feet with rubber whips, sexual assault, and prolonged isolation are reportedly common occurrences in Pakistani jails. When deaths have occurred, allegations of attempted suicide are reportedly used by police to cover up evidence of torture. Nine prisoners died in Karachi jails during the period from January to August, some under unclear circumstances. The Baluchistan Provincial Government ordered a magisterial inquiry in February into the death of a prisoner allegedly as the result of torture by police. The torture reportedly included beatings, cigarette burnings, and exposure to cold weather. Since the attack on the Hyderabad mayor cited above, there have been repeated allegations in the Pakistani press that members of a local Sindhi students organization arrested in the case have been tortured.

Police in Pakistan are ill-trained, poorly paid, and rarely held accountable--factors which encourage both corruption and abuse of authority. Police and jailers use "third degree" methods and frequently employ the threat of abuse to extort money from prisoners and their families.

The Hadood Ordinances, promulgated in 1979, carry harsh punishments for actions deemed contrary to Islamic law. Two defendants were acquitted by a Karachi District and Sessions Court in August on charges of violating the Hadood Ordinances which forbid adultery. The two had been sentenced by a sessions court in November 1987 to be stoned to death, the Koranic punishment for adultery. So far, no punishments involving stoning or amputation have been carried out under the Ordinances.

Three classes of prison facilities exist. Class "C" cells, which generally hold common criminals, suspected terrorists, and low-level political workers, usually have dirt floors, no furnishings, and poor quality food. The use of handcuffs and fetters is common in "C" cells. Prisoners in these cells reportedly suffer the most abuse, such as beatings and being forced to kneel for long periods. Political detainees and foreign prisoners are usually held in class "B" cells, which provide better treatment and better food. Only prominent persons receive class "A" accommodations, which can include air conditioning and private servants. Many politicians have been permitted to receive party workers while imprisoned. Pakistani human rights activists and opposition politicians acknowledge that treatment of political detainees and those convicted by martial law courts generally has improved since the lifting of martial law in 1985.

d. Arbitrary Arrest, Detention, or Exile

Pakistani law permits detention under court order for 30 days of persons suspected of threatening public order and safety. Such court orders are renewable for 30 days at a time, up to a total of 90 days, if the Government can demonstrate to the court that the detainee does in fact threaten public safety. According to the law, detainees must be informed expeditiously in the courts of the reason for their detention. Most detainees are released fairly soon, but only after the situation which prompted the preventive detention has passed. Former detainees claim that prisoners under preventive

detention frequently have been held incommunicado. In March the Committee for the Repeal of the Hadood Ordinance reported that there were over 50 women under detention in Sind province alone awaiting trial on charges of adultery.

There have been repeated allegations of arbitrary arrests during antibandit operations in Sind province. Relatives of known bandits have been jailed occasionally to force the bandits to surrender kidnap victims or themselves to the police. This counter-hostage tactic is an outgrowth of traditional tribal practices, which still strongly pervade much of Sind province.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The civil judicial system, modeled after the British system, provides for an open trial, cross-examination, representation by an attorney--with court appointment of an attorney for indigents in capital cases--and appeal of sentences. The judiciary demonstrated its independence in 1988 by overturning several governmental acts, including President Zia's May 29 dissolution of the assemblies (see Section 3).

A judicial training academy was established in 1988 for the training of new judges. Judges at the trial level are drawn from the judicial services. High court judges are appointed from among those who have been district judges or advocates before the high court. There have been attempts to improve the procedures and the availability of high court benches in the provinces. In August, President Ishaq made permanent the appointment of several high court and Supreme Court judges who had served previously in an acting capacity.

The pace of justice is slow due to the limited number of judicial benches, the heavy backlog of cases, and outdated court procedures. In Lahore, for example, four people involved in a murder case had been jailed for nearly 2 1/2 years waiting for the prosecution to submit cases against them.

The special Shari'a (Islamic) courts operate in a manner similar to ordinary civilian courts. They try offenses relating to the enforcement of the Hadood Ordinances and also rule on whether laws are offensive to Islam. Cases referred to the Shari'a courts are heard jointly by Islamic scholars and judges from the civilian court system who usually employ ordinary criminal procedures. Both judges and attorneys must be Muslim and be familiar with Islamic law. Defendants in the Shari'a courts are entitled to bail and lawyers of their choice.

Before martial law was lifted in 1985, the Parliament passed the Eighth Amendment to the Constitution which withdrew from the civilian judiciary the right to review the actions of martial law authorities and courts. Under the Eighth Amendment, only those sentenced to death by martial law courts may petition to have their cases reviewed by the President; all others must appeal to a provincial governor. In February Prime Minister Junejo announced that limited categories of people who were convicted under martial law courts could apply for a review of their case by a committee in the Prime Minister's office. Although the Committee received many applications, no prisoners were actually granted relief. This

review mechanism was shut down after Junejo's dismissal by President Zia on May 29 but resumed by President Ishaq before the elections. Currently, martial law prisoners or their representatives have two avenues for review: first, they can apply to have their cases considered by the special cell in the President's secretariat. As of late November, President Ishaq has made use of this cell to partially or totally remit the sentences of 45 prisoners and commute the death sentences of 8 others to life or shorter terms of imprisonment. The second mechanism open to martial law prisoners is to have their original cases reviewed by the civil courts. This is now possible as a result of the Supreme Court's ruling on October 12 which allows the civil courts to review certain categories of martial law cases. And in her first public statements after being named Prime Minister, Benazir Bhutto indicated that her Government would begin a review of all martial law convictions in the near future. On December 7, the Prime Minister announced a sweeping program of relief for prisoners, including the release (through remission of remaining sentences) of all civilians convicted by military courts of offenses other than serious criminal ones and the remission of all in-absentia military court sentences.

In 1987 the Government established special courts to provide speedy trials in cases involving "offenses sensational in character or shocking to public morality, creating panic, or an atmosphere of fear and anxiety among the public." Cases involving bomb blasts, sabotage, highway robberies, banditry, or kidnaping can be expedited through these courts, and the Government may transfer cases from any other court to a special court.

Human rights activists in Pakistan have expressed several concerns about the special courts. First, the accused is hampered from preparing an adequate defense and calling witnesses because of the short time allocated before the trial (usually a matter of days). Second, there is a general impression that the judges in these courts are predisposed to find defendants guilty, given the high political profile of the proceedings. Third, the decision to refer a case to this system is an arbitrary one, made by the senior levels of the provincial government. The criteria for deciding which cases can be tried under these courts is vague and broad enough to enable provincial authorities to abuse the system.

Government officials defend the courts by stressing that they are necessary to circumvent the judicial backlog. They also point out that all requirements of the rules of evidence still apply, including the right to counsel, and that the judges must meet the same standard as those appointed to a high court. Decisions may be appealed to the Supreme Court.

Appeals of the 1986 death sentences against four Ahmadi defendants, whose convictions in 1985 by martial law courts in two separate murder cases raised serious human rights questions, are still pending.

The Government of President Zia maintained that no political prisoners were being held, i.e., no prisoners who have not been charged with antistate offenses involving violence, damage to public property, or terrorism. The Political Prisoners Relief and Human Rights Committee of the Pakistan People's Party (PPP), however, claimed that 383 political prisoners were being held as of August 1988. They include those convicted by military courts prior to the lifting of

martial law as well as Mohajirs and Sindhis arrested in connection with recent ethnic disturbances in Sind province. There are also persons included in this group who were imprisoned because of their association with certain student groups. Amnesty International (AI), in its 1988 Report, estimated the number of political prisoners to be over 100. The relief program announced on December 7, in addition to sweeping aside the sentences of nearly 17,000 persons, creates a committee under the Attorney General to review all remainingmartial law cases within 60 days.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Decisions about occupation, education, place of residence, and family size are made without official interference. Although police are required by law to obtain a warrant before entering a private home, authorities frequently ignore such legal requirements. During bandit sweeps and riots, police often chase suspects into homes without pausing to ensure the presence of a magistrate as required by law. There have been repeated incidents involving the use of excessive force during antibandit campaigns in Sind. Some of these abuses have been committed by irregular forces which are used by the Government, but which remain loyal to local political powers rather than to official authorities. There are frequent charges that women have been harassed and their belongings stolen by individual officers. There has been little attempt by the Government to respond to or investigate these charges and to deal with problems of police discipline. Extortion and robbery by policemen are believed to be common. The Pakistan Human Rights Commission has expressed concern over the problem of recurrent kidnapings of Hindu girls whom the police have not been able to recover.

Pakistan historically has maintained a domestic intelligence service to monitor political activists, suspected terrorists, and foreign intelligence agents. Informed sources maintain that wiretapping is used against opposition politicians and that their mail is occasionally intercepted and opened. On occasion, Pakistani citizens, including government officials, are questioned about their meetings with foreign diplomats.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government owns and operates the radio and television stations and strictly controls the news they carry. A government-owned press trust controls four of the larger newspapers. In addition, one of the two wire services is under the control of the Ministry of Information. The government newspapers and wire services are circumspect in their coverage of the news, but, in a departure from previous practice, now cover the opposition. The other newspapers are privately owned, and their circulation far exceeds that of the government-owned papers.

Continuing a trend begun in 1985, there is relatively free discussion of government policies and criticism of the Government, especially in the privately owned newspapers. Besides more or less unfettered reporting of statements made by legislators, the private press routinely covers remarks critical of the Government made by opposition politicians. The opposition's attacks on the provincial chief ministers are

reported and, in many cases, supported by editorial writers and commentators. The Government lifted the ban on the Pakistan People's Party (PPP) newspaper Musawat in June, and publication resumed in October. A report of the Committee to Protect Journalists, issued in October, cites no instances of governmental harassment of the press in Pakistan.

The actions of certain political and religious pressure groups pose another danger to press freedom in Pakistan. The main office of Jang, Pakistan's most widely read newspaper, was attacked and partially burned in January in Karachi by members of a pro-Iranian Shi'a political party. The Council of Pakistan Newspaper Editors condemned the attack as a threat to press freedom.

There was at least one instance of the Government's use of indirect pressure to punish a major daily. According to press sources, the Frontier Post, an English daily, was forced to make changes in its editorial staff after it had printed allegations that President Zia's wife had received significant sums of foreign exchange for medical treatment in London. The country's biggest dailies are sufficiently financially independent and obtain enough private advertising to be relatively immune from this type of government pressure.

A restrictive Press and Publication Ordinance, promulgated in 1963, was repealed in September by the Government. The ordinance was widely viewed by the press as being arbitrary and giving the Government sweeping powers to control the press. It was replaced by a Printing Press and Publications Ordinance which requires the registration of printing presses and newspapers and also allows the Government to confiscate copies of a newspaper or magazine deemed objectionable. In an important departure from past practice, the new law allows the newspapers to appeal to the civil courts.

Academic freedom is generally recognized, but the authorities have immense powers, in view of the preponderance of state-run institutions of learning, to circumscribe the actions of individuals and groups regarded as troublesome. Another threat to academic freedom is the atmosphere of violence and intolerance among student bodies. At most large universities, well-armed groups of students of varying political persuasions clash frequently and are successful in intimidating other students and instructors on matters of language, syllabus, doctrine, and dress. Student unions were officially banned under Presidents Zia and Ishaq but have been legalized again by Prime Minister Bhutto. Educational institutions have been frequently closed because of student violence, and university authorities have had difficulty in restoring order and reestablishing their authority. In September some 3,500 college teachers and principals went on strike in Karachi to protest rising lawlessness on campus.

Literary and creative works remain generally free of censorship, but authors and publishers tend to avoid controversial and political themes. Obscene literature, a category which has been broadly interpreted by government authorities, is subject to seizure, and authorities on this ground have frequently banned or confiscated indigenous books and magazines dealing with sensitive political topics, e.g., provincial separatism and sectarian extremism. Foreign publications critical of the Government occasionally are seized or banned. No effort was made by the Government in

1988 to restrict foreign journalists' access or to censor their reporting.

b. Freedom of Peaceful Assembly and Association

In most cases, government authorities respected the right of peaceful assembly. Political leaders of all persuasions were usually able to travel freely and address large rallies, often emphasizing antigovernment themes. Over 100,000 people attended an opposition rally in Lahore in July to hear PPP leader Benazir Bhutto. However, there were exceptions to this policy in connection with the holding of meetings which the Government believed might result in violence or serve as an incitement to secession. In September, for example, local authorities in the North-West Frontier Province (NWFP) banned a religious procession by Shi'as in order to forestall potential Shi'a-Sunni violence. When the Shi'as nonetheless undertook their procession, police opened fire, killing 6persons and injuring over 40. There were also cases in which Section 144, which prohibits public gatherings, was invoked to prevent political rallies which could lead to violence, especially in Sind province.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Pakistan is an Islamic Republic. Its 1973 Constitution requires all law to be consistent with "Islamic ideology." Under the Constitution, the President and Prime Minister must be Muslims. However, designated minority religious groups--for example, Ahmadis, Christians, and Parsis--have held high office and are represented in the economic, political, and social life of the country. They do not vote in Muslim constituencies, but rather must seek office and cast their ballots in at-large constituencies reserved for them in the national and provincial assemblies. (Ahmadis, disputing their minority status and asserting the right to be recognized as Muslims, have refused to exercise these options.) Each community is governed by its own codes in family and property matters, and members of minority groups may join any political party.

Generally, minorities can practice their own religion openly, maintain links with their coreligionists in other countries, and travel for religious purposes. Foreign clergy may enter the country to serve congregations. Conversions are permitted, but the Government prohibits proselytizing among Muslims and has refused to renew the residence permits of some foreign missionaries who have ignored this ban.

According to unofficial estimates, several hundred people were killed in sectarian clashes in May between Sunnis and Shia's in the Gilgit district in north Pakistan.

The Ahmadi sect, which considers itself Muslim despite theological divergences from traditional Islam, has historically been the object of popular prejudice and discrimination. Anti-Ahmadi riots in 1953 helped spark the imposition of Pakistan's first period of martial law. In 1974 Prime Minister Zulfikar Ali Bhutto, with the support of all parties, sponsored a constitutional amendment declaring the Ahmadis a non-Muslim minority. In 1984 the Government issued a follow-up ordinance which bans the Ahmadis from using Muslim

terminology or proselytizing; violators are subject to prosecution. In 1986 Parliament passed legislation, apparently aimed at Ahmadis, making blaspheming the Prophet Muhammad a capital offense. Thus far, no Ahmadis have been brought to trial under this provision.

Many members of the Ahmadi sect were detained for wearing badges bearing the Kalima, the Islamic profession of faith. Most were released, but several were tried, convicted, and received prison sentences. Police removed the profession of faith from Ahmadi places of worship, which cannot be called mosques under the law. In April, for example, the police entered the Ahmadi Mosque in Islamabad, removed the Kalima, and arrested 11 Ahmadis who are now out on bail and awaiting trial. In Karachi, authorities closed down two Ahmadi mosques in July, ostensibly to "prevent a breach of the peace." Ahmadis in Lahore have been able to practice their faith at several mosques with little interference. However, the Ahmadis were prohibited from holding their annual meeting in December 1987 in Rabwah, and there are credible reports of discrimination against Ahmadis in the military and civil service.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Pakistanis generally have freedom of movement within the country, but the Government has occasionally banned individual political leaders from traveling to certain provinces for a specified time through use of an "externment" notice. Such orders were used to prevent some Shi'a and Sunni clergy from entering certain areas during the Islamic holy month of Muharram. A 20-month old ban on travel into Sind province by Abdul Wali Khan, a leftist political figure, was lifted in August.

Pakistanis are generally free to travel abroad. Travel to Israel, which is not recognized by the Pakistan Government, is prohibited, but many Pakistanis travel to Jerusalem for religious reasons with the cooperation of Israeli authorities in other countries. Travel to the Soviet Union, India, South Africa, Taiwan, and Eastern Europe is restricted.

Pakistanis must obtain a "no-objection" certificate--usually a check covering payment of taxes or other obligations--prior to departing the country. Issuance is normally routine, but occasionally opposition politicians have complained of undue delays. The exit control list, which the Government used in past years to control foreign travel, was invoked sparingly in 1988. Many prominent opposition politicians traveled abroad, including Benazir Bhutto and Wali Khan. The right of citizens to return to Pakistan is recognized. The Political Prisoners Committee reported that some Pakistanis who returned after exile during the martial law period were subjected to arbitrary treatment and harassment. There were several reported cases of imprisonment of returning exiles in 1988, all of which involved persons associated with the PPP.

Nearly 3 million Afghans have fled to Pakistan as a result of the Soviet invasion of Afghanistan. The Government administers and supports some 340 Afghan refugee camps, incurring significant current and longer-term costs above the sizable amounts of relief supplies provided by various donors. The movement and employment of Afghans in Pakistan has generally not been restricted, and many Afghans have

resided outside the refugee camps. Efforts in 1987 to encourage refugees in urban areas to return to the camps, in response to public fears over increased sabotage incidents inspired by the Kabul regime, were not repeated in 1988. With the signing of the Geneva Accords in April and the commencement of Soviet troop withdrawal in mid-May, the Government and U.N. agencies have begun preparing for the refugees' return. The Government, however, has maintained its policy of not pressing refugees to go home before conditions in Afghanistan are secure.

There was noticeably less government and public concern evident in 1988 than there was in 1987 over illegal immigrants from such countries as Iran, Bangladesh, and Sri Lanka.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

From March 1985 to May 1988, Pakistan was governed by Prime Minister Mohammad Khan Junejo and a cabinet drawn from the elected members of Parliament. With the end of martial law in 1985, restrictions on the formation of political parties were lifted. A majority of members in the National Assembly joined together to create the Pakistan Muslim League as the ruling party. Under this system, President Zia still exercised many powers--he was still head of the army and retained, at the time, the constitutional prerogative of dismissing the government. Under the Constitution of 1985, President Ghulam Ishaq Khan continues to hold the power to dismiss the Parliament and to act as commander in chief, although he is not a military officer.

On May 29, President Zia, citing corruption and law and order problems, dismissed the Junejo Government and dissolved the national and provincial assemblies (on October 5, the Supreme Court ruled that his dissolution of the assemblies was unconstitutional). He appointed caretaker federal and provincial cabinets and, in July, announced that new parliamentary elections would be held on November 16 and 19. After President Zia's death on August 17, Ghulam Ishaq Khan, Chairman of the Senate, assumed the presidency in accordance with constitutional provisions and adhered to the previously announced election schedule. The November round of elections, which by all accounts were the fairest and most orderly in Pakistan's history, resulted in neither the PPP nor the Islamic Democratic Alliance attaining an absolute majority of seats in the National Assembly. The PPP did appear, however, after the election to have sufficient strength in the National Assembly to form a government and President Khan formally asked PPP leader Benazir Bhutto to do so on December 1.

All Pakistanis age 21 and over have the right to vote by secret ballot in elections. Local governments and the provincial and national assemblies are directly elected. The Senate, however, is elected by the four provincial assemblies. The President is also indirectly elected by an electoral college consisting of the national and provincial assemblies and the Senate.

According to the Constitution, the national and provincial assemblies serve terms of no more than 5 years. The President is to be elected every 5 years, while Senators are elected for 6-year terms. Elections for local governments (town, city, district) are held roughly every 4 years. The last round of local elections was held in November 1987. While there were

some irregularities in the elections (such as manipulation of voter registration lists and last minute movement of polling spots), the elections were judged to be generally fair and in Punjab produced about a 50 percent turnover in the membership of local bodies.

Political parties have been allowed to operate since the lifting of martial law in 1985. In June the Supreme Court struck down a law which had allowed the Government to ban individual parties from participating in elections. In October it also ruled that political parties could use any of the 82 party symbols. President Zia had earlier declared that such symbols could not be used by political parties.

Women in Pakistan are guaranteed by the Constitution the right to vote and hold office. Twenty seats in the National Assembly are reserved for women, and two women were elected to nonreserved seats in 1985 in their own right. Seats in the provincial assemblies and local bodies are likewise set aside for women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights organizations, including those affiliated with opposition parties, operate free of official harassment, and their reports receive extensive coverage in the privately owned press. Pakistan has allowed visits by persons affiliated with Amnesty International (AI), the Lawyers Committee for Human Rights, Freedom House, the International Commission of Jurists, and other international human rights organizations. The Government, for example, permitted an American team from the National Democratic Institute to observe the local elections in November 1987 and the National Assembly elections in 1988. Government officials also cooperated fully with the Afghan Human Rights Reporter from Helsinki Watch and with the United Nations Human Rights Commission's Special Rapporteur for Human Rights in Afghanistan. Appropriate government officials, including the President, Prime Minister, and chief ministers, have met with the delegations, whose meetings and reports have been reported widely in the press. The Government has, however, not reacted to criticisms in the reports the organizations have issued. In its 1988 Report, AI noted that it had written to the Government in 1987 about a parliamentary committee's findings on convictions by military courts under martial law and about the outcome of official investigations of the alleged torture of two individuals, but that the Government had not responded.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Islamic traditionalists exert a powerful influence on Pakistani social norms. It is accepted practice to assign women a subordinate role in terms of civil, political, and individual rights. Many Pakistanis interpret the Koran's injunctions on modesty to mean that women should remain either at home or behind the veil.

These attitudes have contributed to an officially reported adult female literacy rate of only 16 percent, compared to 36 percent for males. (These are 1985 estimates, which are generally regarded as too high by informed observers.) The primary school enrollment ratio was only 33 percent for girls

as compared to 64 percent for boys. The ratio of men to women in secondary educational institutions, according to 1983 Pakistan statistics, was better than five to one. Eight times as many men as women work outside the home for a wage.

Urban women are represented in the universities, but postgraduate employment opportunities remain largely limited to teaching, medical services, and the law, with a small number of women entering the commercial and public sectors. Women may not participate in international athletic competition.

The Government's policy of Islamization has reversed some of the social and legal gains women had made in past years. President Zia promulgated the Shari'a Ordinance in June which makes Islamic law the supreme source of law in Pakistan. On October 15, President Ishaq promulgated a revised Shari'a Ordinance, the full details of which have yet to be made public. The new National Assembly will have to approve the ordinance within 4 months or it will expire.

Womens' interest groups opposed the Shari'a Ordinance because it could encourage legal challenges to the 1961 Muslim Family Law Ordinance. The Family Law Ordinance codifies the procedures for divorce and enables a woman to obtain a divorce and remarry without being guilty of adultery. A case was brought before the Sind High Court in June which charged that the divorce provisions of the Family Law Ordinance were not in accordance with Islam.

While several members of minorities are prominent in public life, reports of discrimination against minority groups in employment and education appear well founded. The perception of discrimination on ethnic and linguistic grounds is fundamental to the repeated ethnic upheavals witnessed in Karachi and Hyderabad during 1988. These were but the latest in a long series of conflicts between Sindhis and Mohajirs. In addition, both groups resent domination of the bureaucracy, the police, and armed forces by the majority Punjabis. In Baluchistan, the rapid growth of the Pathan population, reinforced by the influx of Afghan refugees, has heightened ethnic tensions and led to increased economic competition between Pathans and Baluch. The Baluch fear that Pathans will soon become the majority in the province and that this will continue to fuel tension and lead to violence. Officially designated as "non-Muslims," Ahmadis are subject to discrimination and occasional harassment and have limited chances for advancement in the public sector. Ahmadi youth complain of increasing difficulty in gaining admittance to good colleges. This problem is not unique to Ahmadis, but they appear to suffer greater discrimination than other minorities. Appeals of the 1986 death sentences against four Ahmadi defendants, whose convictions in 1985 by martial law courts in two separate murder cases raised serious human rights questions, are still pending.

An element in all cases of discrimination is the fact that socially prominent Pakistanis suffer less at the hands of officialdom than those less well-off, partly because of their ability to return favors or offer inducements to the appropriate civil servants, and partly because of the general deference still accorded social "betters" in Pakistani society. Although the original caste distinctions common to South Asian societies have no legally binding force, clan affiliations and ethnic identities, which in some ways parallel the old caste

system, still help or hinder those seeking education, employment, justice, and public office.

Section 6 Worker Rights

a. The Right of Association

The right of industrial workers to form trade unions is protected by the Industrial Relations Ordinance, but subject to major restrictions in some employment areas. Workers' associations of other types are unrestricted and exist in large numbers. There are no restrictions on employers' rights to establish their own associations, and many exist, along with the semiofficial but independent-minded chambers of commerce and industry. All of these organizations are free from government interference in their determination of their own rules, their election of their own representatives, and their formulation of policies and views.

In practice, however, Pakistan's labor laws place severe constraints on the formation of unions and their ability to function effectively. In her first public statements after being named Prime Minister on December 1, Benazir Bhutto indicated that her Government would seek to remove as yet unidentified limitations on trade union activities. But at the present time, only about 3 percent of Pakistani workers belong to unions (about 6 percent of the nonagricultural work force).

The right of unions to strike in Pakistan is severely constrained by lengthy arbitration requirements and cooling-off periods, and most especially by the Government's authority to ban any strike found to cause "serious hardship to the community" or prejudice to the national interest, or in any case after it has continued unresolved for 30 days. Strikes are rare; when they do occur, they are usually illegal and short. Police crackdowns on worker demonstrations are fairly common.

Strikes are banned by law in Export Promotion Zones (EPZ), although this has had little impact, since EPZ development has been almost entirely on paper to date.

Despite these restrictions, associations have been formed among workers in sectors where union activity is theoretically banned (e.g., medical workers), and strikes do occur in these areas.

Trade unions covering the entire political spectrum are permitted. Workers do not seem to be subject to any official sanctions based on their political leanings. While most unions remain aloof from party politics, several have associated themselves with political parties, and the political leanings of labor leaders span nearly the entire spectrum from far left to right.

There are no official constraints on Pakistani labor federations' affiliations with international labor organizations, notably the International Confederation of Free Trade Unions (ICFTU) and its Communist-controlled rival, the World Federation of Trade Unions (WFTU). An International Labor Organization (ILO) mission functions freely and has long been active in assisting the Government and worker and employer organizations in a variety of training and development programs. The composition of ILO delegations was approved by

the federal Government in 1988, but there were no indications that the independence of the worker or employer delegates was inhibited.

The Government has been criticized for years by ILO committees for failure to abide by Convention 87 (Freedom of Association and Protection of the Right to Organize, 1948), and Convention 98 (Right to Organize and Collective Bargaining, 1949), which Pakistan has ratified. The charges, repeatedly raised by Pakistani trade unions, have focused on the limitations on union formation, strikes, and collective bargaining. The Government has responded to the charges but has made no serious movement yet towards changing any of the laws criticized in the ILO reports.

In the report of the 1988 meeting of the ILO Committee on the Application of Conventions and Recommendations, Pakistan was cited for violations of Convention 87 as well as for Convention 105 (Abolition of Forced Labor, 1957) and Convention 29 (Forced Labor, 1930)--see also Section 6.c.

b. The Right to Organize and Bargain Collectively

Free formation of workers' associations and free election of representatives to act as collective bargaining agents are guaranteed by law. While it is not clear that the Government has taken deliberate official action to prevent such activities, current laws place major limitations on their extent and effectiveness.

Large sections of Pakistan's labor force are excluded from the right to organize and bargain collectively under the Industrial Relations Ordinance. Union activity is prohibited for the 53 percent of Pakistan's labor force employed in agriculture. Under the Essential Services (Maintenance) Act of 1952, normal union activities are severely restricted in sectors associated with "the administration of the state," such as education; public utilities; oil and gas production (including some private sector employees); the nationalized banks; medical, security and transport workers; and all employees of the national airline.

For each industry declared subject to the Essential Services (Maintenance) Act (a finding which must be renewed every 6 months), a specific determination is made by the Government of exactly what the limits of union activity shall be. In cases where collective bargaining has been barred, individual wage boards are established to decide wage levels. Disputes can be brought for adjudication before the National Industrial Relations Commission. A worker's right to quit can also be curtailed under this Act, and a fired worker does not have recourse to the labor courts. Here again, however, collective bargaining and even strikes are known in some job areas covered by the Act (e.g., the nationalized banks). The abolition of the Essential Services Act is a major demand of most unions.

Union leaders argue that the Government has given its blessing to the rapid spread of contract hiring, which acts to undercut the power of the unions. Unions' potential membership can be severely limited in branches where contract labor is widespread, and the power of the collective bargaining agents can be seriously undermined. Employers argue that contract labor is necessary because of legal restraints on their ability to fire nonproductive, troublesome, or unneeded

workers. Legislation has been proposed to limit contract labor or to extend certain rights to contract workers, but no such laws have yet been passed. EPZ's are not yet functioning, and it is difficult to judge how labor laws will be applied in them.

c. Prohibition of Forced or Compulsory Labor

Forced labor is specifically prohibited by Pakistani law. There is no evidence that any form of slavery or bonded labor has received official sanction. However, critics have argued that the Essential Services (Maintenance) Act's authority to limit some employees' rights to leave their jobs constitutes compulsory labor. While it is not clear that this provision has been invoked, it has raised another issue which is pending before the ILO.

As noted in Section 6.a., the 1988 report of the Committee on the Application of Conventions and Recommendations cited Pakistan for violations of Convention 105 (Abolition of Forced Labor, 1957) and Convention 29 (Forced Labor, 1930), based on this aspect of the Essential Services Act and other laws which allow punishment for violations of collective bargaining agreements and violations of certain restrictions on the press, and laws which restrict merchant seamen's freedom to quit, and imply official approval of discrimination against Ahmadis.

Illegal cases of bonded labor are said to be widespread. Several specific cases were reported in 1988. In August authorities freed 36 families in the NWFP who had been driven into forced labor by creditors; a new organization, the Free Farmers Movement, has come into being with the objective of countering such practices. In July authorities freed 11 children in Lahore from forced labor in a glass factory--press accounts stated that they had been kidnaped. In September the case of 20 bonded brick kiln workers in Punjab came to national prominence through the intervention of the Supreme Court (see below).

There are no reliable statistics on bonded or forced labor--the worst cases tend to come to light only through sensational treatment in the press. Many observers claim, however, that such violations are common in some fields of work: the brick, carpet, glass, and fishing industries have specifically been mentioned. The problem is also said to extend to agricultural laborers and rural construction workers in some areas.

A Supreme Court decision in September could prove to be a first step towards dismantling the bonded labor system. In an interim ruling, the court ordered the cessation of all pay advances beyond a week's wages to brick kiln workers in Punjab province. It further ruled that existing debts could not be recovered through coercion or with police assistance. The 20 kiln workers, allegedly kidnaped by their employer after having been freed by the Provincial High Court, were again ordered freed. A major investigation by the Punjab police into the brick kiln business was initiated. A final decision (which should include a ruling on whether advanced-pay debts in such extreme cases are legally valid) is expected in March 1989.

PAKISTAN

d. Minimum Age for Employment of Children

Child labor is limited by at least four separate statutes and Article 11 of the Constitution. These laws present a confusing picture, variously limiting employment in certain fields to those over 14 or 15, and, in one case, permitting factory work by children under 14 (in apparent contradiction of the Constitution) if a government doctor issues a certificate of fitness. None of these regulations is effectively enforced.

Child labor is widespread in Pakistan, despite the legal limitations. While much of it is in the traditional framework of family farming or small business, widespread abusive employment of children in nonfamily businesses exists. Although there are no reliable official statistics, unofficial surveys and occasional press features suggest that violations of existing laws are common. The employment of children is occasionally referred to in stories of bonded or forced labor and child prostitution.

e. Acceptable Conditions of Work

Labor regulations in Pakistan are governed by federal statutes applicable throughout the country. These provide for, or require the provincial governments to provide for, a legal minimum wage as well as certain worker protection and welfare provisions. The minimum wage, which for an unskilled worker is roughly $25 per month, does not suffice to support even a small family. A limit to the number of hours in the workweek, paid annual holiday and rest periods during the workday are all provided for under Pakistani law. Most of these regulations apply, however, only to a small minority of Pakistan's labor force: they specifically do not apply to agricultural workers (roughly one-half of Pakistan's work force), to workers in Pakistan's countless small manufacturing establishments with fewer than 10 employees, or to the small contract groups of under 10 workers into which factory work forces are increasingly divided.

The enforcement of labor regulations is left up to the provincial governments, none of which are particularly effective in this role. The degree of attention given to enforcement varies amoung the provinces in proportion to the significance of industrial labor. In general, however, resources are very limited, openings for corruption are many and the regulatory structure, while it does function, is inadequate.

In general, worker health and safety conditions are very poor by international standards, and little is being done to improve them. Organized labor is occasionally able to press for improvements in this area, and some legal protections apply, although they are weakly enforced.

QATAR

Qatar, a small, wealthy Arab Gulf state ruled by an Amir chosen from the Al-Thani family, is governed by a 1970 Basic Law which institutionalizes the customs and social mores of Qatar's conservative Wahhabi Muslim heritage. These include respect for the sanctity of private property, freedom from arbitrary arrest and imprisonment, and protection against transgressions of Islamic law (the Shari'a). Technically the Amir holds absolute power, but he is careful in exercising his authority. While he may, for example, suspend any secular law or countermand any civil court decision, he is unlikely to do so without first consulting his Council of Ministers, the Advisory Council of Notables, and most importantly obtaining a consensus from within the ruling Al-Thani family.

The large number of expatriate workers in Qatar has been a source of concern to the Government, as has the threat of external aggression against the country resulting from the Iran-Iraq war. In response to these perceived threats to civil order, the Government has established an efficient security apparatus to control subversion. The civilian security apparatus is controlled by the Interior Ministry and operates on two levels, the police and the Criminal Investigation Department (CID). The CID is charged with investigation of all crimes, while the local police enforce laws and arrest violators. A second, more powerful branch of the Interior Ministry, the Mubahathat, deals with sedition and espionage. The Mubahathat is nearly independent of the regular civil security forces and has been alleged to use severe force during its investigations. It can incarcerate suspects without charge, but this apparently occurs infrequently. The armed forces have no significant role in guaranteeing internal security, although the army would certainly be used against serious civil disturbances. However, under the jurisdiction of the armed forces is another enforcement organization, known as Mukhabarat, whose function is to intercept and arrest incoming terrorists and to keep surveillance over political dissidents.

Qatar's economy is mixed, with the State owning and operating most basic industries and services while the retail trade and the construction industry remain in private hands. The economy is still suffering from the fall in the price of oil, but was able to expand slightly in 1988. The development of the North Dome gas field, the single largest field of nonassociated gas in the free world, is expected to bring a much-needed boost to the local economy, as well as provide for Qatar's future economic security. The rapid development of Qatar's infrastructure in the 1970's and early 1980's led to the creation of a ratio of expatriates (mostly Indian, Pakistani, and Sri Lankan) to nationals of 4 to 1. Qatari resentment against the expatriate population makes the latter the most likely victims of arbitrary police action or harassment. It is also difficult for an expatriate to take legal action against a Qatari citizen, but once a matter has been referred to the courts the judicial process is generally fair. Limiting the influence and controlling the activities of the expatriate population are major Qatari national goals, and the economic downturn of the second half of the 1980's has spurred a government program to reduce the expatriate-to-national ratio by offering employment in many government-owned industries to Qatari citizens only. Because the Qatari national population is so small, however, Qatar will be dependent on expatriate labor for the foreseeable future.

QATAR

There was little change in the human rights situation in 1988. There were no reports of arbitrary arrest or similar abuses, but civil liberties remained significantly restricted. Expatriate workers also continued to complain of systematic discrimination against them.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person Including Freedom from:

a. Political Killing

There were no known political killings in 1988.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although many expatriates complain of mistreatment after their arrest by Qatari authorities, the practice is not believed to have official sanction. The Government of Qatar follows the conservative teachings of Wahhabi Islam, which forbids torture. However, instances to the contrary, in connection with security force actions involving political and security-related cases, have been reported. The Government administers most of the corporal punishments prescribed by Shari'a law, but it does not allow physical mutilation.

d. Arbitrary Arrest, Detention, or Exile

The authorities generally charge suspects before a competent court within 48 hours. In most cases involving expatriates, the police promptly notify the appropriate consular representative. Suspects detained in security cases are generally not afforded their rights. Involuntary exile is very rare. The last known case occurred 10 years ago; it involved the previous Amir, who was deposed, his family, and close supporters. However, the Amir's sons were allowed to return to Doha, and now operate major businesses there. Expatriates convicted of crimes are usually deported after they have completed their prison sentences.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judiciary is nominally independent. However, most judges are expatriates holding residence permits granted by the civil authorities, and thus hold office at the Government's pleasure.

Qatar's legal system has an unusual balance, tilted in favor of Qataris and the Government of Qatar. There are two types of courts: the civil courts, which have jurisdiction in civil and commercial matters, and the Shari'a court, which has jurisdiction in family and criminal cases. However, the Shari'a court may assume jurisdiction in a commercial or civil case if one of the litigants asks the Shari'a court to do so. Technically, the Shari'a court should take jurisdiction if either party requests it to do so, but in practice the Shari'a court only assumes jurisdiction if a Muslim litigant makes the request. It does not allow non-Muslims to bring a suit as

plaintiffs. This anomaly prevents non-Muslim residents from obtaining full legal recourse, when being sued or trying to sue a Qatari national. There are no statutes preventing persons from suing the Government of Qatar, but the threat or fear of losing a residence permit discourages such suits. There have been at least three cases where a person has been injured as the result of the malpractice of doctors employed at the government-owned hospital. The patients and their families did not file suit.

Many expatriates find proceedings in the Shari'a courts bewildering. Only the disputing parties, their relatives and associates, and witnesses are allowed in the courtroom. Lawyers may not play any formal role, save that of preparing litigants for their cases. Although non-Arabic speakers are provided with translators, foreigners report being at a considerable disadvantage, especially in cases involving the nonperformance of contracts. Shari'a trials are normally brief. After both parties have stated their cases and examined witnesses, the judge is likely to deliver a verdict with only a short delay. Criminal cases are normally tried 2 to 3 months after suspects are detained.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Traditional attitudes regarding the sanctity of the home provide protection against arbitrary intrusions for most citizens. The police must normally obtain a warrant before searching a residence or business, but not in cases involving national security or emergencies. There were no reports of illegal searches of homes in 1988. The police and security forces routinely monitor the communications of suspected criminals and security risks. Mail and other periodicals thought to contain pornography or drugs are also opened and routinely censored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although both expatriates and Qataris may express political opinions in private, public criticism of the ruling family and its policies is not tolerated. The Government strongly discourages attacks on other Arab governments as well. This applies to the electronic media, which are government owned and operated, as well as to the press. Journalists, particularly the expatriates, generally avoid challenging these restrictions because of the risk of having residence permits cancelled.

The authorities routinely screen all video cassettes, audio tapes, books, and periodicals for objectionable political material and pornography.

b. Freedom of Peaceful Assembly and Association

The Government allows private social, sports, trade, artistic, and professional societies to operate. The activities of these organizations, which must register with the Government, are closely watched. The Government does not allow public political demonstrations. For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

QATAR

c. Freedom of Religion

Qatar's state religion is Islam, the Koran is its basic constitution, and Shari'a law its legal code. Members of other religions are prohibited from public worship, and they may not proselytize. Apostasy from Islam is a capital offense although no one is known to have been executed for it. The Government does tolerate non-Muslim religions; and non-Muslim parents may raise their children in their own faiths. Private gatherings of non-Muslims are allowed in private residences.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel, except around sensitive Qatari military installations. Females, both Qataris and foreign, usually require the permission of a male guardian or a relative to leave the country. All Qatari citizens have the right to return. Foreigners are subject to immigration checks designed to control the size of the local labor pool. Foreigners who work in Qatar must have a sponsor to enter the country and the sponsor's permission to leave.

The Government has no formal policy on refugees. Persons attempting to enter Qatar illegally, including defectors from nearby countries, are refused entry. Refugees who can obtain local sponsorship or employment will be allowed to enter. However, if they lose their jobs, they are expected to leave. The Government continues to tighten its policy of discouraging Qatari males from marrying non-Qatari women by refusing to grant residency permits to those wives. In several instances, foreign-born wives live in other countries, where they are visited by their Qatari husbands because they are denied entry into Qatar.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Qatar has no formal democratic institutions. Consequently, most of its citizens do not have a say in the choice of leaders or in changing the political system. Qatar's political institutions blend the characteristics of a traditional Bedouin tribal state and a modern bureaucracy. There are no political parties, elections, or organized opposition to the Government. The Amir exercises all executive and legislative powers. His rule, however, is tempered somewhat by local custom. Interlocking family networks and the recognized right of citizens to submit appeals or petitions directly to the Amir may provide effective, if informal, avenues for redress of grievances and also serve to limit abuses. The custom of rule by consensus leads to extensive consultations between the Amir, leading merchant families, religious leaders, and other notables on important policies.

Women for the most part play no visible role in public decisionmaking. Under Qatar's Basic Law of 1970, the Amir must be chosen from among the adult males of the Al-Thani family. The current Amir, Khalifa bin Hamad, has designated his son, Hamad bin Khalifa, as the heir apparent. This designation was made with the consent of the notables and religious leaders in accordance with local custom.

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Effective power remains in the hands of the Amir, his family, and local notables, and there is no evidence of serious opposition to this arrangement.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

No international or nongovernmental organization monitoring human rights abuses has asked to investigate conditions in Qatar. No local organizations exist that concern themselves with human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Government discriminates against people who are foreign-born members of the society and those of non-Qatari racial origin, even though they may be citizens of Qatar. In the past, Qatar naturalized a number of persons of Iranian origin who had either been born in Qatar or who had emigrated to Doha. After the fall of the Shah and with the rise of Shi'a fundamentalism in Tehran, the Government began to withdraw Qatari citizenship from such persons. There have been reports of persons born in Qatar, but of Iranian parentage and holding Qatari citizenship, being expatriated, fired from their government jobs, and deported, all without the benefit of due process.

The activities of Qatari women are governed by strict Wahhabi customs and some quasi-legal restrictions, such as veiling and a prohibition against the issuance of driver's licenses. However, these restrictions generally do not apply to non-Qatari women. Qatari women are primarily relegated to the role of mother and homemaker, but some women are now finding jobs in education, medicine, and the news media, and more Qatari women are receiving government scholarships to pursue degrees in these fields at universities overseas. There are a few women who hold positions in the Ministries of Information and Education. While women may work as nurses, teachers, and in home economics, employment outside these areas is discouraged. Expatriate women find it easier to work or to own and manage businesses than their Qatari counterparts; a woman, for example, is editor of Qatar's only English-language magazine.

It appears to be common practice to discriminate against the employment of non-Muslims, particularly in sensitive areas such as security and education.

Section 6 Worker Rights

a. The Right of Association

The right of association is strictly limited, and workers are prohibited from forming labor unions. Persons are allowed to establish organizations based on their professional or private interests. Membership in international professional organizations which criticize the Government of Qatar or any other Arab government would be frowned upon. The Government would severely restrict operations of any organized group which it deemed detrimental to the national interest.

b. The Right to Organize and Bargain Collectively

Although workers in Qatar are prohibited from engaging in collective bargaining, there were, nevertheless, at least two organized work stoppages over unpaid wages in 1988. All disputes between workers and employees are handled in the local labor courts.

There are no export processing or free-trade zones in Qatar. Labor laws and regulations are applied uniformly throughout the country.

c. Prohibition of Forced or Compulsory Labor

There have been no reported instances of forced or compulsory labor.

d. Minimum Age for Employment of Children

The minimum age for the employment of children is 18, but expatriate children frequently begin working at younger ages in small family-owned businesses and shops.

e. Acceptable Conditions of Work

Qatar has enacted regulations concerning worker safety and health, but the enforcement of these regulations is lax, at best. There is no minimum wage in Qatar. The workweek is usually less than 48 hours.

SAUDI ARABIA

Saudi Arabia is a traditional, Arab, and Islamic monarchy ruled by the sons of its founder, the late King Abd Al-Aziz (known in the West as "Ibn Saud"). The political system is based on the Koran and the Shari'a, the codified Islamic religious law; there is no written national constitution.

By convention, the King and Crown Prince have been chosen from among the sons of Abd Al-Aziz, who themselves have preponderant influence in the choice. Senior religious scholars and other princes also have a major voice. The King serves as Prime Minister. Officials from the King down maintain contact with male citizens by holding open-door audiences ("majlis") regularly. Saudis from all social strata attend these meetings to seek redress of grievances, which is frequently granted. There are no elected assemblies or political parties. Nonreligious public assembly and demonstrations are not permitted. Non-Muslim public worship is banned. The legitimacy of the regime rests to a large degree on its perceived adherence to the defense of Islam, particularly the austere Hanbali school of Islamic jurisprudence. Rulers and ruled share a respect for laws believed to be divinely inspired as well as ancient customs which call for consensus in government, internal social cohesion, and economic private enterprise.

Saudi Arabia's security rests with three entities, with somewhat overlapping functions. The Ministry of Defense and Aviation, with its Air Force, Army, Navy, and Air Defense services, is responsible for meeting conventional military attacks. The Saudi Arabian National Guard is responsible for defending vital internal installations (e.g., oil fields and refineries), maintaining internal security, and providing additional land forces for the Kingdom's defense as required. The Ministry of Interior is responsible for internal security and police functions as well as paramilitary frontier guard elements.

Massive oil revenues over the last 40 years have transformed Saudi Arabia's centuries-old pastoral, agricultural, and commercial economy. This transformation has been marked by rapid urbanization, large-scale infrastructure development, government subsidies to entrepreneurs and consumers, the emergence of a technocratic middle class, and the presence of around 4 million foreign workers and their families in a total population of about 11 million. With the exception of the oil, transportation, and utilities sectors, economic activity and resources have largely remained in private hands.

No major new developments affected human rights in 1988. As in previous years, there were continuing reports of mistreatment of prisoners and incommunicado detention. Civil liberties remained significantly restricted.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no known political killings.

b. Disappearance

There were no known disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Under Islamic Shari'a Law, punishment for some crimes may include amputation with anesthetic (reserved for recidivist thieves), or execution by beheading, firing squad, or stoning (with the convicted person in a drugged state). In the absence of four eyewitnesses, confessions before a judge are usually required for conviction in Shari'a courts. There were reports again in 1988 that the police beat and otherwise mistreated some detainees to elicit confessions. Members of the Committee for the Propagation of Virtue and Prevention of Vice (the "religious police," commonly called Mutawwi'in, which means "enforcers") have the legal right to detain suspects for supposed infractions of Muslim strictures up to 48 hours before turning them over to the regular authorities. On a few occasions they have claimed the right to flog detainees while seeking a confession. In the past, the United States has protested Mutawwi'in actions against U.S. citizens to the Saudi Government.

In its 1988 Report, covering 1987, Amnesty International (AI) noted that it had received reports of torture of criminal suspects by the police and that several accounts again named the Drug Detention Center in Dammam as a facility where torture frequently takes place.

Saudi security officials at various levels have indicated that a royal order prohibiting the striking of prisoners exists. There were no instances of police or other officials being disciplined for such conduct, although in the past there have been reports of police being transferred to less desirable locations as punishment for such misdeeds. There were no reports of beatings of U.S. prisoners in 1988, but one U.S. detainee was denied sleep and forced to stand upright for a long period to induce a confession. The detainee was released following a protest by the U.S. Embassy.

Prison conditions are not intentionally degrading but are severe in some correctional institutions. Prisoners often sleep on the floor, suffer heat stroke, and sometimes complain of difficulty in obtaining adequate medical treatment. Although in 1988 the Government continued efforts to expand and improve prisons, some facilities remained substandard, especially deportation centers, where large numbers of foreign detainees are kept prior to being deported.

In accordance with Shari'a law, Saudi Arabia imposes capital punishment for the crimes of intentional murder, adultery, apostasy from Islam, narcotics smuggling, and, depending upon the circumstances, rape and armed robbery; a 1988 decree added sabotage to this list. The Interior Minister and Cassation Courts review all cases in which capital punishment has been imposed, and the King must approve all such sentences. The number of executions fell in 1988 (to 22 in the first 9 months of 1988 from 45 in the same period of 1987). Two of those executed were convicted of narcotics smuggling. On September 30, four Saudis--three Shi'as and an accomplice who was possibly Sunni--were executed following conviction on a number of charges, including conspiracy against the Kingdom, treason, explosives smuggling, and, for two of them, murder. At the

time their offenses were committed, the only one of these crimes carrying the death penalty was murder.

Beheading is the usual method of execution, and all executions in 1988 were by this method. Death by firing squad or stoning may be imposed for adultery, while a recidivist thief may suffer severance of a hand. In the first 9 months of 1988, no one suffered these punishments. For less severe crimes, such as drunkenness or publicly flaunting Islamic precepts, flogging with a cane is often imposed. Public flogging is intended to humiliate rather than cripple the criminal and to serve as a deterrent to others. The skin is not broken, and the flogging, though it is painful and leaves welts, is administered with a bent elbow.

d. Arbitrary Arrest, Detention, or Exile

Saudi security forces are divided into several branches, including the regular police and the special investigative police. There were no reports of arbitrary arrests or imprisonment by the regular police in 1988. There is no automatic, prompt procedure for contacting a detainee's family or employer; however, in cases involving foreigners, Saudi authorities acknowledge that they have the obligation to do so. When asked, the police will almost always confirm an arrest. Embassies usually hear about arrests of their nationals informally within a few days, and in most cases are granted prompt consular access to prisoners. Official notification almost always takes several months, if it occurs at all.

Problems may arise when persons are arrested by the General Directorate of Investigations (GDI), the security service commonly called the "Mubahith" or investigative police. GDI prisoners are regularly held incommunicado during the initial phase of an investigation, which may last weeks or months. Following suspicious accidents at industrial facilities at Ras Tanura and Jubayl in the Eastern Province, a number of suspects were arrested and held for months without official charges while their cases were being investigated. The total number of persons affected is unknown.

Shari'a law makes no provision for bail or habeas corpus; prisoners are sometimes released on the recognizance of a Saudi patron or employer. Prisoners may be held for long periods while investigations proceed before being charged or released. Regulations issued by the Interior Ministry in 1983 to eliminate lengthy pretrial detentions or detentions without charges are frequently unenforced. On the other hand, the Board of Grievances, an independent judicial body empowered to investigate citizens' complaints against official abuse, has used the authority granted to it in 1983 to become an effective--if slow--avenue of redress. Citizens and private corporations take to the Board grievances against state institutions, public sector companies, and government officials accused of malfeasance, nonfeasance, bias, or corruption. The Government does not use exile as a form of punishment.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The judicial system is founded upon the Shari'a. Shari'a courts exercise jurisdiction over common criminal cases and

civil suits regarding marriage, divorce, child custody, and inheritance of real or personal property. Trials are generally closed and are normally held without counsel, though the advice of Islamic lawyers is available before trial. In a Shari'a court, the defendant appears before a judge who determines guilt or innocence and, if warranted, imposes the appropriate punishment. Counsel is not permitted in the court itself, but lawyers may act as interpreters for those unfamiliar with Arabic. With rare exceptions, there is no consular access to the trials of foreign nationals. Sentencing is not uniform and may be handed down by officials up to the highest levels of government. Appeals against judges' decisions are automatically reviewed by the Justice Ministry or, in more serious cases, by the Supreme Judicial Council, to ensure that court procedure was correct and that the judge applied appropriate Shari'a principles and punishments.

The independence of the judiciary is prescribed by law and generally respected in practice. The Justice Ministry is responsible for the appointment, transfer, and promotion of judges. Judges may be disciplined or removed only by the Supreme Judicial Council, an independent body of senior jurists. The Supreme Judicial Council has in the past investigated and removed corrupt judges to allow for their prosecution and imprisonment.

Specialized labor and commercial courts decide cases on the basis of decrees issued by the Council of Ministers and regulations issued pursuant to those decrees. The labor and commercial courts' effectiveness is frequently vitiated by long delays in reaching decisions and practical difficulties in enforcing judgments reached. The military justice system has jurisdiction over uniformed personnel and civilian government employees charged with violations of military regulations. Court-martial decisions are reviewed by the Minister of Defense and Aviation and the King.

The Board of Grievances arbitrates claims against the State. The President and Vice President of the Board are experienced jurists. They are aided by Board members expert in administrative, contract, corruption, civil service, and forgery legislation. The President is responsible directly to the King, and members of the Board are guaranteed considerable independence. The Board has on occasion used powers granted by a 1983 decree to call erring officials to account.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of family life and the inviolability of the home are among the most fundamental of Islamic precepts. The police must generally demonstrate reasonable cause and obtain special permission from the provincial governor before searching a private home, but warrants are not required. The Mutawwi'in may enter homes to search for evidence of un-Islamic behavior when they have grounds for suspicion, but instances of this appear to be rare. Wiretaps and mail surveillance can be carried out on the authority of officials of the Interior Ministry or the Directorate of Intelligence. Informants are reliably reported to be widely employed in internal security matters.

Some social and religious norms and strictures affecting personal life are matters of law and are enforced by the

Government. Saudi women may not marry non-Saudis without government permission. Saudi men must obtain approval to marry women from countries other than the six members of the Gulf Cooperation Council. During the Muslim holy month of Ramadan, the prohibition against public eating, drinking, or smoking during daylight hours is enforced on Muslims and non-Muslims alike. Prohibitions against alcohol and pornography are strictly enforced, a reality sometimes learned the hard way by expatriate workers. The Mutawwi'in are in charge of enforcing Islamic decorum in dress and demeanor as well as making sure that shops are closed during the five daily prayer periods.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The freedom of speech and press is significantly restricted. Criticism of Islam or of the ruling family is not allowed. The potential presence of informers renders public criticism of the regime rare. In private, complaints are expressed relatively freely. Saudis are able to voice complaints and to seek redress of grievances through the open-door audiences which are held regularly by even the highest officials, but such grievances are generally personal rather than political or social.

Saudi television and radio are state owned and operated. Besides entertainment, their basic aim is to project and gain public support for official policies and views, with the corollary that conflicting viewpoints are not presented. Foreign news is increasingly presented objectively.

The press is privately owned. It is effectively controlled by a 1982 media policy statement and the firm understanding that nothing embarrassing to the Government, ruling family, or religious leadership may be published. The media policy statement enjoins the press to uphold Islam, oppose atheism, promote Arab interests, and preserve the cultural heritage of Saudi Arabia. Newspapers receive guidelines issued by the Information Ministry on government positions, on controversial issues, and the government-owned Saudi Press Agency (SPA) expresses the official viewpoint on such issues.

Editors-in-chief are appointed with the tacit approval of the Information Minister, and the Government has the power to have them removed. Foreign publications circulate but can be censored for materials deemed immoral or explicitly or implicitly critical of Saudi policies and actions. For example, international publications such as Time or the International Herald Tribune often appear on the newsstand with ads for alcoholic beverages, pictures of female celebrities, or beach scenes torn out or obscured with black ink, and entire publications have sometimes been withheld from distribution.

Academic freedom is constrained by similar guidelines; for example, the study of Freud and Marx, representational art, and philosophy are forbidden. Professors commonly believe that classroom comments which would be taken as antiregime will be reported to the authorities. There is also an injunction against the study of music and art in educational institutions, including universities. Nevertheless, there has been an increase in artistic activities outside these institutions, as evidenced by classes sponsored by the Saudi

Arabian Society for Culture and Arts, an association whose head holds ministerial rank.

b. Freedom of Peaceful Assembly and Association

Public demonstrations as a means of political expression or to present grievances are prohibited. Tribal, familial, and economic interest groups informally aggregate public opinion, which their leaders express to high officials. Nonpolitical clubs and professional groups may be organized with the permission of the authorities. The few existing professional bodies are permitted but not encouraged to maintain contacts with their recognized international counterparts.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Freedom of religion is greatly circumscribed. Islam is the official religion. All Saudi citizens must be Muslims. Conversion to another religion is a crime punishable by death. The Saudis scrupulously uphold the Islamic injunction that all Muslims have a responsibility to make a pilgrimage, or hajj, to Mecca, and all Muslims who can are encouraged to visit the holy places. Travel to these places by non-Muslims is illegal. Political activities by pilgrims have been banned since the 1987 Iranian demonstrations in Mecca, in which over 400 persons were killed. Saudi authorities have made it clear that persons disrupting the hajj would face severe penalties.

The Shi'a Muslims of the Eastern Province, estimated at up to 400,000 persons, constitute a religious minority subject to social and economic discrimination. Since the Iranian revolution, they have been periodically subjected to surveillance and limitations on travel abroad. After the Eastern Province industrial sabotage incidents in March, a number of suspects, including some Shi'a, were detained without charges, in some cases for months.

For security reasons, the Government does not permit Shi'a public processions during Ashura, the holiest of the exclusively Shi'a holidays. Ashura passed without incident in 1988. The Shi'a are free to adjudicate exclusively intra-Shi'a disputes within their own legal tradition. Shi'a judges refuse to receive any stipend or salary from the Government. The Government provides no financial support for the Shi'a religious establishment and seldom permits private construction of Shi'a mosques, while the Shi'a have refused government offers to build state-supported mosques for them. In recent years the authorities have made efforts to redress Shi'a complaints about the economic underdevelopment of their areas. Although a few Shi'a have become comparatively wealthy, many continue to live under conditions notably poorer than those of their Sunni compatriots.

Non-Muslim religious activities are not permitted, and importation of non-Islamic religious materials is illegal. Proselytizing by non-Muslims is illegal and leads to deportation. Non-Muslim places of worship may not exist, and foreign nationals may practice their religions only in private services. Large gatherings or elaborate organizational structures are likely to attract official attention and lead to the expulsion of their leaders.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Saudis may travel freely anywhere within the country. Male Saudis may travel abroad freely. In the case of government officials, the permission of the Royal Court is required for foreign travel but apparently is normally perfunctory. Women must obtain prior written permission from their closest male relative each time before being allowed to leave the country. The passports of suspected subversives have occasionally been seized. Since the breaking of relations between Saudi Arabia and Iran in April 1988, travel between the two countries has become extremely difficult. Detection of such travel by Saudi authorities may be followed by interrogation. Shi'a known to have pro-Khomeini sympathies may not be allowed to travel abroad. Saudis are permitted to emigrate and assume foreign nationality, which results in the loss of Saudi nationality. Citizenship is not revoked for political reasons.

There is no explicit formal policy regarding refugees or granting asylum. Refugees and displaced persons are in most cases dealt with like other foreign workers. With some exceptions (including all North Yemenis), persons seeking residence in the Kingdom must meet strictly enforced requirements of sponsorship and employment. There are over 250,000 resident foreigners who fled their native countries, primarily Palestinians, Lebanese, Eritreans, Somalis, Afghans, and South Yemenis. These persons generally receive no special treatment, privileges, or services. Individual Saudis (frequently members of the ruling family) permanently sponsor such individuals to enable them to remain in Saudi Arabia, permitting them to find work where they may. In a small number of cases, sponsors reportedly have charged fees to such persons for providing documentation required by the Government. There are few Saudi refugees outside the country.

Foreigners living in Saudi Arabia, except for North Yemenis, are required to carry identification cards. They are not permitted to travel outside the city of their employment or to change their workplace without their sponsor's permission. Foreign national employees are not permitted to travel abroad without their sponsor's permission, since sponsors hold their passports and are responsible for obtaining exit visas for them. Foreigners involved in commercial disputes are often not allowed to leave the country until the dispute has been resolved. Sponsors have taken advantage of this arrangement at times to exert unfair pressure to resolve commercial disputes in their favor. Occasionally Saudi sponsors or business partners have been able to prevent foreign nationals from departing Saudi Arabia for long periods or to have them arrested or deported. In criminal cases, Saudi regulations require that the passports of all potential suspects and witnesses be seized. This has sometimes forced foreign nationals to remain in Saudi Arabia for lengthy periods.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Saudi Arabia has no formal democratic institutions, and most of its citizens do not have a say in the choice of leaders or in changing the political system. The King rules the country within limits established by religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders. The King's legitimacy is based upon his descent, his selection by consensus, his adherence to the

tenets of Islam, his ability to govern, and his perceived concern for the welfare and security of the nation. The King is also the Prime Minister, and the Crown Prince serves as First Deputy Prime Minister. The King appoints all other Ministers, who in turn appoint subordinate officials with cabinet concurrence. There are no popularly elected officials. Political parties are not permitted, and there are no known organized opposition groups.

Traditionally, public opinion has been expressed through client-patron relationships and interest groups such as tribes, families, and professional hierarchies. The open-door audience (majlis) remains the primary forum for expression of opinion or grievance. Any male citizen or expatriate may attend these sessions, which all important officials, national and local, hold regularly and openly. Since the assassination of King Faisal during a majlis in 1975, however, kings have reduced the frequency of their personal contacts with the public. Typical topics raised in a majlis are complaints about bureaucratic dilatoriness or insensitivity, requests for redress or assistance, and criticism of particular acts of government affecting personal or family welfare. Broader "political" concerns--Saudi social, economic, or foreign policy--are raised only occasionally. Either the King or the Crown Prince meets with Sunni religious leaders at least once a week.

This relaxed but institutionalized means of ascertaining public opinion through consultation has serious limitations. Citizens are not directly able to change policies or officials through the majlis system, which is largely a forum in which grievances are aired and favors sought. As governmental functions have become increasingly complex, time-consuming, and centralized in Riyadh, direct access to senior officials has become more difficult.

Open participation by women in the political life of the country is severely restricted in practice, both by law and by tradition.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no reports that international or nongovernmental organizations sought to investigate alleged violations of human rights in Saudi Arabia during 1988. In its 1988 Report, AI noted that it has appealed several times to Saudi authorities on various human rights matters in 1987, but that no response was received to any of its inquiries. There are no human rights groups in Saudi Arabia. In international forums, Saudi representatives continued regularly to protest violations of the human rights of Afghans, Eritreans, Palestinians, and Muslim minorities in European and Asian countries.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Racial discrimination is outlawed in Saudi Arabia by Shari'a law, and Muslims of all races and nationalities are encouraged to make the pilgrimage to Mecca.

Women do not enjoy equality with men. By Koranic precept, a daughter's share of an inheritance is less than that of her

brother. Women must demonstrate legally specified grounds for divorce, but men may divorce without grounds. If divorced or widowed, a Muslim woman normally may keep her children until the boys attain the age of 7 years and girls 9 years. Then the children revert to the husband's family, to whom they belong under Islamic law. In Shari'a court, the testimony of one man equals that of two women. Women may not drive motor vehicles, and there are restrictions on their use of public facilities when men are present. By custom, women do not travel alone. They are restricted to specially designated sections with a separate entrance in the rear of urban buses. Employment opportunities for Saudi women either in the civil service or with public corporations are extremely limited, although there has been some slight improvement in recent years. In practice, their employment is largely restricted to the media and to the teaching and health care professions. In general, women are not permitted to work side by side with men; the health profession provides the major exception. In public, women are required to dress with extreme modesty, including (in the case of Muslim women) a black outer garment covering the entire body. Free but segregated education through the university level is available to Saudi women; the number of women enrolled in the educational system now totals more than a million, up about 50 percent in the past 5 years. Polygamy is becoming less common, especially in cities and among younger Saudis. Islamic law limits the number of wives to four, and requires a husband who has more than one wife to treat each of his wives equally.

The large expatriate work force does not, for the most part, receive the same economic and social benefits available to native Saudis, and must conform to restrictive Saudi social standards. Employment opportunities for non-Muslims are circumscribed. The poorest of the foreign nationals, almost 3 million Yemenis, Africans, and Asians, live under conditions significantly more harsh than those of the Saudi urban classes. Foreign embassies have received numerous reports of sexual abuse of low-paid non-Muslim female domestics by Saudi employers. It appears that such victims have limited options for redress in the courts, although a few employers have reportedly been punished for such abuses.

Saudi Shi'a face discrimination in government and industrial employment, especially in jobs with national security implications. They also face some limitations on their access to social services, despite efforts by the Government to improve the social service infrastructure in predominantly Shi'a areas of the country.

Section 6 Worker Rights

a. The Right of Association

Government decrees prohibit the formation of labor unions and strike activity.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is not recognized in Saudi Arabia.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is not known to exist in Saudi Arabia. In cases where employers try to exact services

greater than those specified in the contract or otherwise violate a work contract's provisions, employees have recourse, in theory, to labor courts for adjudication.

d. Minimum Age for Employment of Children

There is no minimum age for those employed in agriculture, family enterprises, private homes, or repair of agricultural machinery. Children under 18 and women may not be employed in hazardous or unhealthy industries, such as mining or industries employing power-operated machinery. In other cases, the labor law provides for a minimum age of 13, which may be waived by the Ministry of Labor in certain areas with the consent of the juvenile's guardian. In general, enforcement is effective, and child labor does not appear to be a significant problem.

e. Acceptable Conditions of Work

There is no legal minimum wage. The labor law provides, however, that minimum wages may, if necessary, be set by the Council of Ministers on the recommendation of the Minister of Labor. The effective minimum wage is the amount required to induce foreign laborers to come to work at any given work site in Saudi Arabia at any given time. Saudi labor law establishes a maximum 48-hour workweek at regular pay and allows employers to require up to 12 additional hours of overtime at time and a half. Employees may volunteer for additional overtime.

The 1969 Saudi Labor Law requires employers to protect most workers from job-related hazards and disease. Domestic employees and workers employed in enterprises with fewer than five employees are not covered in the labor code. Labor Ministry inspectors and the labor courts are seeking with some success to enforce the labor code, but foreign nationals report frequent failures to enforce health and safety standards. Saudi authorities reportedly have enjoyed greater success in enforcing contract terms and working hours.

Saudi Arabia has a generous social security program. Most foreign workers formerly were eligible to participate in this program on the same basis as Saudis, but were excluded from participation in March 1987. Some foreign workers, particularly those in unskilled positions, such as lower-level construction workers and housemaids, have been subjected to abuse due to their ignorance of the labor code, inability to understand Arabic, lack of written contracts, or fear of retribution from their employers. Such labor problems can be settled in labor courts, which have the reputation of being reasonably fair, if at times slow. But the poorest employees may face insuperable practical and financial obstacles in trying to take advantage of these courts. Moreover, labor courts have no compulsory enforcement powers. In 1986 the Government increased its authority over recalcitrant employers through a written code that permits it to attach assets. Still, during 1988 there were reports of conditions facing expatriate workers from several countries which included meager wages, squalid labor camps where conditions are deteriorating, and harassment from employers, with allegations of sexual abuse.

SRI LANKA

Sri Lanka has a constitutional, multiparty, parliamentary form of government. Since 1983, it has suffered from increasing tensions between its majority Sinhalese and minority Tamil communities and violent conflict between government forces and armed Tamil militants. On July 29, 1987, Sri Lankan President Jayewardene and Indian Prime Minister Gandhi signed a Peace Accord to end the Sri Lankan conflict. Radicals from both ethnic communities have refused to accept the Accord.

Sri Lanka's 1978 Constitution provides for a strong President and a unicameral parliament elected by universal adult suffrage. Jayewardene, then Prime Minister and leader of the ruling United National Party (UNP), became President in 1978 and was reelected in 1982. The term of the UNP-majority Parliament, elected in 1977, was extended 6 years by a 1982 national referendum, the fairness of which was hotly disputed.

Sri Lankan voters chose a successor to President Jayewardene on December 19. Prime Minister Premadasa, standard-bearer of the UNP, was declared winner with just over 50 percent of the vote. The leading opposition candidate challenged the results of the election, which was marked by high levels of violence during the campaign and low voter turnout. On December 20, outgoing President Jayewardene dissolved Parliament and set February 15 for general elections.

Under the terms of the 1987 Peace Accord and its implementing legislation, powers held by the Central Government are to be devolved to new Provincial Councils in Sri Lanka's eight provinces. In 1988 Provincial Councils were elected in seven southern provinces and in the newly merged Tamil-majority Northeast Province.

Sri Lanka has 51,000 servicemen in its army, navy, and air force. Another 25,000 men serve in its police force, including 2,000 police commandos in the Special Task Force (STF). The Government also maintains a force of some 15,000 paramilitary Home Guards. There are few Tamil and Tamil-speaking Muslims in the security forces. The overwhelming majority are Sinhalese-speaking. Since the Accord was signed, Sri Lankan forces have operated primarily in the southern seven provinces. A 50,000-strong Indian Peace-Keeping Force (IPKF), introduced under the Accord, fought Tamil separatists in the northern and eastern parts of the country throughout the year. Local and international human rights groups singled out the Home Guards and the STF as being responsible for numerous human rights abuses in the south in 1988 and individual members of the IPKF for violations in the north and east.

Although the per capita gross domestic product is less than $400, the population enjoys a reasonably high quality of life. Tea and garment exports are the largest sources of foreign exchange. Approximately 60 percent of Sri Lanka's productive capacity is state owned or controlled.

Since Sri Lanka's independence in 1948, the leaders of the island's two main ethnic groups have discussed ways to safeguard the interests of Tamils while addressing the grievances of the Sinhalese majority. By the mid-1970's, many Tamil leaders concluded that separation of the Tamil-majority areas and formation of an independent Tamil state, or "Eelam," was the only solution. Some Tamils formed militant groups

which turned to armed struggle and terrorism to achieve such a state. Tension between the two communities came to a head in 1983, leading to widespread violence and escalated military conflict which continued through 1988.

Discussions involving the Government, Indian mediators, and Tamil United Liberation Front (TULF) members began in June 1986 and ultimately resulted in the July 1987 Accord. Tamil militants refused to join these talks. The strongest Tamil militant group, the Liberation Tigers of Tamil Eelam (LTTE), initially accepted the Accord and turned in a small number of its weapons, but later reneged. This led to armed clashes between the LTTE and the IPKF. On October 10, 1987, Indian forces launched an offensive against the LTTE in the Jaffna Peninsula. During a month of fighting, 2,000 Tamils, many of them civilians, and about 450 Indian soldiers were killed. Since then, there have been intermittent clashes between the IPKF and Tamil militants.

The Government, in cooperation with the IPKF, sought to implement the terms of the Accord as a means of providing a lasting solution to the communal problem. It conducted Provincial Council elections throughout Sri Lanka, including the newly merged Northeast Province. The Government freed all but about 170 suspected Tamil militants held in detention before the Accord, according to nongovernmental sources. These actions, plus the absence of large-scale military offensives such as those that claimed more than 3,000 lives in 1987, contributed to a relative improvement in the human rights situation in 1988.

Nevertheless, serious human rights violations continue. More than 1,500 persons--civilians, IPKF soldiers, and militants--died in fighting in the north and east. Approximately 800 more Sri Lankans, many of them government officials and supporters, died in political killings carried out by the radical revolutionary Janatha Vimukthi Peramuna (JVP) in Sinhalese areas. The Government resolved none of the estimated 685 cases of disappeared persons in the north and east recorded prior to the Accord. There were reports by eyewitnesses and human rights groups of new disappearances at the hands of Sri Lankan security forces in the south and the IPKF in the north and east. Efforts by the Government to negotiate an end to the JVP's assassination campaign failed. In November the Government enacted new laws aimed at quelling JVP agitation. While much of the legislation remained unimplemented at year's end, it raises serious human rights questions.

According to a government estimate, 96,000 Sri Lankan citizens, driven from their homes by Tamil militants and as a result of the fighting, remained displaced. There continued to be reports of torture by Sri Lankan security personnel and the IPKF. The Prevention of Terrorism Act (PTA) and the Emergency Regulations (ER) remained in effect. The Government acknowledged that some 2,000 persons in the south were held without charge under these laws. Estimates by nongovernmental organizations of the number of detainees ranged up to 8,000. In the north and east, the IPKF detained an unknown number of militant suspects. In releasing a large number of suspects, the government dropped nearly 400 cases which were pending under the PTA and ER. There were about 14 convicted Tamil militants and an unknown number of Sinhalese radicals serving sentences under the PTA or ER.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Deaths from politically motivated violence remained a serious problem, but military activity, disruption of civil administration, and government secrecy made collection of accurate statistics difficult. The Government estimated that 650 civilians were killed in the north and east. About 55 percent of the deaths resulted from indiscriminate and accidental shooting during LTTE-IPKF clashes. The remainder, some 275 Sinhalese and Muslim residents, including women and children, of Tamil-majority areas, died at the hands of Tamil militant groups. Although Sri Lankan security forces were generally confined to barracks in the north and east under the Accord and took little part in the fighting there, the Government estimates that 75 members of its security forces were killed in Tamil areas.

A June report by Amnesty International (AI) mentioned reprisal killings of Tamil civilians by the IPKF. Local nongovernmental organizations have also alleged that this occurred, especially during the October 1987 IPKF offensive in the Jaffna Peninsula. However, none of these reports could be confirmed, and the Indian Government denied them.

The Indian Government estimated that some 670 of its soldiers have died fighting Tamil militants since the 1987 Accord. Independent observers put IPKF dead at about 400 during 1988. Nongovernmental sources said that about 650 Tamil militants died in fighting with the IPKF during the same period. There were also reports by eyewitnesses who spoke to human rights groups of at least three extrajudicial killings of Tamil militant detainees by IPKF personnel during the year. Another 125 Tamil militants are believed to have been killed by members of rival separatist groups.

In the south, Sinhalese radicals opposing both the Accord and the Government murdered more than 800 people, including about 400 government officials. There were reports by human rights groups of extrajudicial killings by members of the government security forces, particularly in the south. Nongovernmental groups reported at least 25 such cases.

In December there were reports of killings of suspected JVP members by enraged citizens. Some human rights workers and others alleged the vigilante groups in question were actually comprised of government security forces in civilian dress, agents of opposition parties, or disaffected members of the JVP itself. However, not enough was known at year's end to substantiate these allegations or establish the identity or purpose of the groups' members.

Following a pattern set in 1983, no results of official inquiries into these incidents were published, nor was disciplinary or judicial action taken against the vast majority of the members of the security forces accused of human rights abuses. In the single case in which the government security forces' role received wide publicity, that of a lawyer and JVP activist who died in police custody September 3, the Government ordered a public inquiry and charged three police officers with murder and conspiracy to

commit murder. The inquiry found that the victim had received more than 100 internal injuries and had been taken to the home of one of the three officers for questioning. The three were due to go to trial in January 1989.

b. Disappearance

Frequent disappearance of both Tamils and Sinhalese, usually young men, remained a serious concern. AI, in a June report on disappearances in Sri Lanka, said that the Government had yet to resolve the cases of 685 persons reported to have disappeared in the 4 years prior to the Accord. In addition, AI said it had documented several new disappearances of Sinhalese at the hands of government security forces in the south and cited four cases of Tamils in the north and east whose whereabouts were unknown after they were taken into custody by the IPKF. AI's August report on human rights practices in India documented two more disappearances of Tamils at the hands of the IPKF in Sri Lanka. Nongovernmental sources reported that at least 20 persons had disappeared after arrest by the IPKF.

A nongovernmental group reported eight disappearances of Tamils in 1988 after arrest by Sri Lankan security forces in Trincomalee. Other local sources reported at least 40 disappearances of suspected JVP members in the south. These sources also reported several cases of Tamil civilians kidnaped by Tamil militant groups. In one case, that of a Tamil relief agency director taken from his home June 19, the weight of evidence indicates that he was killed by his abductors, members of the Eelam Revolutionary Organization of Students (EROS), because he resisted their demands for control of relief projects.

Sri Lankan attorneys have brought nearly 500 lawsuits during the past 2 years asking the Government to produce these "disappeared" persons whom witnesses had observed being arrested by the security forces, but who were subsequently reported not to be in custody. Many of these cases have been dropped with the Government's release, over the same period, of more than 3,500 militants. Under normal circumstances, government authorities respond within days to such summonses. However, in PTA cases, the delay allowed while the Government prepared its response was lengthened to 12 months. As a result, no information has been provided in the majority of these cases.

In many instances, released detainees have reported having seen a "disappeared" person in government custody--or, in the north and east, IPKF custody--and, in a few cases, later having seen the corpse. These reports, along with the knowledge that the PTA and ER permit security forces to dispose of bodies without inquest, have led local citizens to the justifiable conclusion that "disappeared" persons have been killed by the authorities in reprisal for attacks on security forces.

AI stated in its June 1988 Report that under current procedures inquiry into "disappearance" cases could not be effective. In their "Review of the Department of State's Country Reports on Human Rights Practices for 1987," the Human Rights Watch and Lawyers Committee for Human Rights noted, in its treatment of disappearances, that for a significant share of the reported disappearances there were "scores of sworn affidavits" attesting to arrests of men who later disappeared,

and that the Government's response had been "a total denial that the security forces--whose activities were witnessed by entire villages--were even present in the area where the arrests took place."

In November the Government passed legislation permitting police officials with the rank of assistant superintendent or above to dispose of dead bodies without inquest and to determine who may attend the burial or inquest. The legislation exempts these officials from any other laws relating to inquests into death or to burial or cremation.

The Government claimed that several factors complicate the task of accounting for disappeared persons. These include false names given by arrested persons to conceal their identity and affiliation, and the fact that many detainees may have left the country after a short detention period and continue to live abroad.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides that "no person shall be subjected to torture, cruel, inhuman or degrading treatment or punishment." However, there continued to be persistent reports by eyewitnesses and human rights organizations that Sri Lankan security forces and the IPKF tortured and mistreated persons in detention.

In September the High Court opened inquiry into the death, while in police custody, of a lawyer and suspected JVP activist. Medical evidence submitted in public proceedings showed that the lawyer had sustained more than 100 internal injuries and had died as a result of beating. By the end of the year, three police officers had been charged with murder and conspiracy to commit murder. They were set to go to trial in January 1989.

In a June 1988 report, covering 1987 and the first half of 1988, AI reported credible allegations of torture at various Sri Lankan police stations and army camps. It said that former prisoners stated that they had been beaten, often on the soles of their feet, hung upside down, forced to inhale burning chili fumes, and burned with cigarettes. The report cited evidence in eight specific cases. Local human rights groups reported that the use of torture by Sri Lankan security forces, particularly the STF, Home Guards, and the paramilitary National Auxilary Force at its camp in Biyagama, was commonly employed to elicit information on the identity and activities of JVP members in the south.

In its reports on Sri Lanka and India, AI cited three cases of torture by IPKF soldiers of suspected Tamil militants in the north and east. Local human rights organizations reported that torture by IPKF soldiers, while not systematic, was condoned by their officers. Methods of torture by IPKF personnel were said to be similar to those employed by Sri Lankan security forces: victims were reportedly hung by their thumbs, subjected to electric shocks, and whipped with cords and electric wires. The Indian Government denied these allegations.

In addition to allowing prolonged incommunicado detention, the PTA and ER contain other provisions, including allowing confessions made to police officers to be used in court and

placing the burden of proof on defendants to show that a confession was coerced, that may actually encourage the mistreatmentof detainees. In November the Government enacted legislation making the distribution or posting of antigovernment leaflets threatening death or urging participation in illegal work stoppages a capital offense. This new provision of the ER was intended to stem the violent, antigovernment activity of the JVP. By year's end, no one had been charged under the new law.

On December 17, Parliament enacted a law granting members of the security forces and others indemnity from prosecution for acts, "legal or otherwise," committed "in the enforcement of law and order or for the public safety" during the period from August 31, 1977 to December 16, 1988. The bill was criticized by human rights activists and the parliamentary opposition for its broad scope and its potential to abridge constitutionally guaranteed fundamental rights.

Independent observers also reported that on June 12, following a landmine blast that killed two of their comrades, IPKF soldiers entered the village of Chempiyanapattu in the Jaffna Peninsula, rounded up male villagers, and beat 10 of them. Other observers, including AI, said that there had been a number of cases of rape of Tamil women by IPKF soldiers in the north and east. Indian authorities undertook investigations in a number of these cases and in January court-martialed four IPKF soldiers on rape charges.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person "shall be arrested except according to procedure established by law" and that an arrested person must be informed of the reason for his arrest. An arrested person must be brought within 24 hours before a magistrate who may authorize bail or, for serious crimes, continued detention. A suspect may be detained up to 3 months without bail, or longer if a court so rules.

However, the PTA, first adopted in 1979 as a temporary measure and made permanent in 1982, and the ER, renewed monthly with the extension of the state of emergency in effect since May 1983, give the security forces extraordinary powers in dealing with suspected criminals. These laws authorize preventive and incommunicado detention and allow the security forces to detain a suspect held under the ER for up to 3 months before he must be presented to a magistrate. They also include vaguely defined acts which can and have encompassed nonviolent expression of opposition to the Government. The potential for abuse is clear.

Magistrates are not empowered to investigate the circumstances leading to a person's arrest and continued detention, but under the ER "shall" remand the detainee to a prison where he may be held indefinitely. A person held under the PTA may be detained without charges for up to 18 months, but there have been numerous cases of persons held longer. Bail may be granted for persons held under the ER but, once charged, persons held under the PTA are ineligible for bail. Visits by family, access to lawyers, food, and other conditions of incarceration are normally restricted under these extraordinary laws.

Relatives can write to the Ministry of Defense and ask that the case of a family member detained under the PTA be

reviewed. The review is conducted by a three-man Advisory Board which considers the evidence, interviews the police and the detainee, and makes a nonbinding recommendation. Board reviews frequently take several months, and government authorities have refused or delayed carrying out the recommendation of the board in some cases.

Persons may also challenge the legality of their detention either by filing a habeas corpus suit in the Courts of Appeal or by charging the Government before the Supreme Court with illegally violating fundamental rights under the Constitution. The Courts of Appeal are located only in Colombo, which necessitates costly travel to the capital for those seeking this remedy. Fundamental rights suits must be brought--complete with documentation--within 30 days of the alleged infringement. This 30-day limit makes it virtually impossible in practice for persons detained incommunicado for prolonged periods, or relatives of those alleged to have disappeared, to bring such suits.

The PTA and ER were used extensively to detain large numbers of Sinhalese youths allegedly belonging to radical political groups. The Government acknowledged in mid-1988 that some 2,000 such suspects were being held. Nongovernmental observers believed that as many as 8,000 Sinhalese suspects were in government custody. The Government said that a committee, headed by a retired High Court judge, had been set up to review individual cases and release those suspected of less serious infractions of the security laws. By early October, no more than 20 such releases had occurred.

The release of suspected Tamil militants, begun after the signing of the Accord, continued. Since the Accord, 3,800 suspects have been released. Local human rights organizations estimate that about 170 suspects remain in custody at the Boosa detention camp, New Magazine prison, and other places around the country. The Sinhalese prisoners detained for activities in the south are not subject to release under the terms of the Accord. This has led some Sri Lankans to accuse the Government of discrimination against Sinhalese.

Local observers reported that the IPKF had detained in its camps in the north and east an estimated 500 alleged Tamil militants, as well as Tamil journalists and businessmen accused of sympathizing with the separatists. Indian authorities had not said on what legal basis these suspects were held. In July a Sri Lankan lawyer brought a habeas corpus suit in the Court of Appeal on behalf of the family of a suspected Tamil militant held by the IPKF. The responsible Indian authority failed to respond to a court summons. Indian Government officials indicated that they had not denied Sri Lankan court authority in the case, but had simply chosen not to respond to the summons.

Also of concern was the condition of remand prisoners, those charged with nonpolitical crimes and imprisoned pending trial. In 1988, according to the Commissioner of Prisons, nearly 7,000 such persons were incarcerated along with convicted offenders. Of these remand prisoners, presumed innocent under the law, 22 percent had been awaiting trial for more than 6 months, 12.4 percent for more than a year, and 1 percent, or about 70 persons, had been charged and held without trial for 4 or more years.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Persons accused of criminal acts are generally entitled to a fair public trial, are informed of the charges and the evidence against them, and are represented by counsel of their choice. Persons tried in the High Court and Court of Appeals criminal cases are provided an attorney at government expense if necessary, but the Government does not provide attorneys in other cases. Although public trial by jury is the custom, juries are not provided in trials under the PTA on the grounds that jury members could be intimidated.

Confessions given by the accused are admissible in PTA and ER cases but not in nonpolitical criminal and civil cases. Those convicted under the PTA or the ER have the same right to appeal convictions to the Appeals and Supreme Courts as those sentenced in other cases. Most people held under these acts are never formally charged and therefore do not enter the appeals process.

In November the Government enacted legislation for the creation of a special tribunal for the expeditious trial of suspected subversives. The tribunal would sit without jury and admit in evidence confessions and other statements made to any person in whatever circumstances. It would act on the basis of written complaint from the Inspector General of Police or any Deputy Inspector General. By early December, this body had not yet been set up.

In Jaffna Peninsula in the north and in parts of the east, the judicial system did not function during much of 1988 due to intimidation by Tamil militants. All the judges of the Sri Lankan Supreme Court, Courts of Appeal, and High Courts are appointed by the President. The Chief Justice and two Supreme Court judges comprise a Judicial Service Commission which appoints, transfers, and dismisses all lower court judges.

The Government brought indictments against more than 75 persons detained under the PTA and ER. It released about 490 suspected Tamil militants and alleged Sinhalese subversives held under the PTA and ER and indicted prior to the Accord, indicating that it would not pursue charges against them. According to Sri Lankan human rights activists, approximately 14 suspected Tamil militants have been convicted of crimes under the PTA and ER and were serving prison terms by the end of the year. An unknown number of alleged Sinhalese subversives were convicted. It is impossible to know how many of the 2,000 persons the Government admits are under detention might be accurately termed political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government generally respects individual privacy and the sanctity of the family and the home. The judiciary has a good record of upholding rights to privacy in those cases which reach the High Court. Ordinarily, search and arrest warrants are required in order to enter private premises. Under the PTA, police officers above a certain rank and less senior officers authorized by them in writing may enter and search any premises without a warrant and seize "any document or thing" when there is a presumption or evidence of support for, or involvement with, unlawful activity.

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IPKF soldiers operating in the north and east manned checkpoints, stopped vehicles, and searched homes and persons at the direction of officers without warrant or other legal sanction. At one point in mid-1988, the IPKF ordered Jaffna residents to post family photographs in their homes so that search parties could quickly identify nonfamily members taking refuge.

Monitoring of telephones or correspondence is not known to be a common practice, although a few allegations of wiretapping have been made by local politicians.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for "freedom of speech and expression including publication," but also permits these rights to be restricted "as may be prescribed by law in the interests of national security." Opposition groups have charged that the ER have been used directly and indirectly to restrict free speech. For example, persons wishing to post bills advertising meetings of any type are required under the ER to get police approval of the text. In May 1987, the Supreme Court ruled that this clause gave the police too broad an authority, and that the police would have to specify a reason for denying a person permission to post bills.

Individuals continued to be prosecuted for distribution of "antigovernment" literature. In September 1987, Parliament amended the Parliamentary Powers and Privileges Act of 1978, which permits Parliament to impose a fine on anyone who criticizes a Member of Parliament. Under the 1978 act, fines imposed under this law were limited to $160. Under the 1987 amendment, Parliament was empowered to impose unlimited fines and imprison violators for up to 2 years.

The Government controls the country's largest newspaper chain and owns the radio and television services. A variety of independent newspapers and journals provide a full range of viewpoints on foreign policy and most domestic matters. Many small circulation periodicals published by opposition political parties operate freely. Several government-owned papers have either censored or refused to run advertisements by the Civil Rights Movement of Sri Lanka which asked the Government to permit the International Committee of the Red Cross (ICRC) to carry out prisoner protection activities.

There were no instances of formal censorship of the private press. Some Sri Lankans have claimed that, even without formal censorship, the Government achieves the same result through intimidation of the press. It placed a "competent authority" on the board of the independent Island newspaper in July in an effort to influence its editorial policy. By threatening to take over private media which do not operate in the public interest, these observers believe, the Government has prevented the media from accepting advertisements from certain organizations. The IPKF also reportedly exerted pressure on Jaffna-based Tamil newspapers to report IPKF activities in a favorable light.

Radicals in the north, east, and south also practiced forms of indirect censorship through intimidation in 1988. On February 29, members of the LTTE blew up the building and printing equipment of a Tamil-language newspaper in Jaffna because it

had taken an unsympathetic line in its editorials and reporting. In the south, the JVP targeted vendors and distributors of government-owned newspapers, killing several of them, in a sometimes successful effort to prevent the newspapers' circulation in some areas of the country.

Academic freedom is generally respected. There were no complaints of abuses of academic freedom during the year, but academics are subject to the same restrictive legislation (including the prohibition on criticizing Members of Parliament) as other citizens.

b. Freedom of Peaceful Assembly and Association

While the Constitution provides for freedom of assembly and association, there are significant restrictions. Sri Lanka has numerous private associations, which are free to maintain ties with international bodies.

Under the ER, the President (or his designee) is empowered to prohibit public meetings which would be "likely to cause a disturbance to public order and promote disaffection." In practice, the police issue or deny permits, at the discretion of the police superintendent in each area, for outdoor public meetings or processions. There was no evidence in 1988 that permits to hold public meetings were denied to the opposition. In September police in central Badulla town, unable to quell a violent student demonstration, fired into the crowd, killing one participant. Incidents of this nature continued through year's end, resulting in 25 deaths. In November the Government ordered its security forces to shoot illegal antigovernment demonstrators on sight.

Radicals too played a role in abridging Sri Lankans' freedom of assembly. JVP members attacked UNP and other political party meetings, spreading fear and keeping many away. In an August incident, suspected JVP members fired onto the stage of a leftist United Socialist Alliance (USA) party meeting, killing 1 and wounding 27.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution establishes Buddhism as the official religion and requires the Government "to protect and foster" Buddhism, but it also guarantees the rights of all others, including Hindus, Muslims, and Christians, to practice their religions freely. Earlier complaints that Buddhists had an advantage over members of other religions in winning senior government positions are heard less frequently. Members of all religious groups can be found in influential positions in the Government and in the full spectrum of political parties.

Members of all religious groups are free to maintain active ties with coreligionists in other countries. Many Sri Lankans perform religious travel each year. Religious publishing is freely allowed, as is proselytizing. Foreign clergy also are permitted to work in Sri Lanka.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution grants every citizen "freedom of movement and of choosing his residence within Sri Lanka" and "freedom to return to Sri Lanka." Exit visas are not required, and the constitutional provisions are generally honored.

Believing that Tamil militants were frequently crossing from southern India to northern Sri Lanka via the Palk Straits, the Government adopted a series of measures, beginning in 1984, which progressively restricted free movement in the north. The effect of the maritime surveillance and establishment of prohibited zones has been to restrict free movement considerably and to make it virtually impossible for the large number of fishermen resident in that area to fish. These restrictions were strengthened significantly by the IPKF in the north and east but were not enforced consistently during 1988.

Movement in the north as well as in the southern parts of the country was also restricted by curfews imposed by the Government and by strikes ordered by militants and enforced with threats of retribution. Eleven consecutive days of curfew were imposed on residents of Mullaittivu during IPKF military operations there in August. A few southern districts were under curfew for short periods in September and October following student demonstrations and terrorist incidents. The Government imposed curfew regularly throughout the island in the last months of the year to combat JVP attempts to disrupt presidential elections.

Refugees or displaced persons from other countries are generally denied entry to Sri Lanka. The Government does not try to help refugees who attempt to stay in the country while seeking permanent residence elsewhere.

There were approximately 96,000 displaced persons in Sri Lanka by the end of the year, according to the Government. All but about 24,000 were living with relatives or friends. Government sources estimate that some 134,000 Sri Lankan Tamil refugees left the island for southern India during the 4 years of fighting prior ~~to~~ the Accord. These sources also reported that 25,075 of these refugees had returned to Sri Lanka with the help of the United Nations High Commissioner for Refugees and the Governments of India and Sri Lanka as of mid-October. Another 12,000 refugees are known to have returned without assistance and some independent observers believe that this number may be much larger. Tamil Nadu state government officials indicated in June that fewer than 5,000 Sri Lankan Tamil refugees remained in camps in southern India. The remaining 94,000 persons are believed still in southern India, living and working in the local economy. In addition, as many as 60,000 Sri Lankan Tamils have sought refuge in Western Europe and North America.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Sri Lanka has a multiparty, parliamentary form of government with universal suffrage and generally high (around 80 percent) voter turnout. The extent to which citizens can exercise the right to change their government through free and fair elections has been called into question by the opposition

which protested the results of the 1982 referendum that extended the life of the Parliament by 6 years.

Although members of each ethnic community can be found in virtually all of the political parties, the most influential political parties generally draw their support from one ethnic community. The UNP and the Sri Lanka Freedom Party (SLFP), which draw their support mainly from the Sinhalese majority community, historically have alternated rule.

Tamils have been represented primarily by two parties. The Tamil United Liberation Front (TULF) claims to speak for the Ceylon Tamils, who for hundreds of years have been the majority population in the north and parts of the east. In 1983 all 16 TULF Members of Parliament vacated their seats after refusing to swear an oath of allegiance to the unity of Sri Lanka as required by a new constitutional amendment. Byelections to fill these vacant seats continued to be postponed due to the unsettled security situation, and Sri Lankans in those constituencies have been without parliamentary representation since 1983.

Indian Tamils, who make up about one-third of the country's Tamil population, live primarily in the central hill country and have not been involved in the ethnic conflict. They are represented by the Ceylon Workers Congress (CWC), which is also a trade union.

Most opposition parties function freely. Several operate their own newspapers, and the activities of their leaders are covered by the media. The JVP was granted legal status as a political party in May. This step did not affect either the JVP's violent opposition to the Government or the Government's policy of arresting JVP members and suppressing JVP activities. The civic rights of the leader of the main opposition SLFP, Mrs. Sirimavo Bandaranaike, were suspended from 1980 to 1986 on the grounds that she exceeded her authority during her tenure as Prime Minister in 1970-77.

The last general election in 1977 brought the UNP Government to power with 51 percent of the popular vote but an overwhelming parliamentary majority. The UNP Government formulated a new Constitution, adopted by Parliament in 1978, which established the office of a directly elected executive President. In the Presidential election of October 1982, President Jayewardene was elected with 53 percent of the popular vote.

Two months later, in place of the national parliamentary elections which had been scheduled, the Government held a referendum to extend the life of the 1977 parliament from 6 to 12 years. Restrictions were imposed on the activities of opposition parties during the referendum campaign, and numerous voting irregularities were reported by the elections commissioner. The referendum was approved by 54.5 percent of the voters.

In April and June, the Government conducted Provincial Council elections in the seven southern provinces in conformity with provisions of the Accord. The JVP, in an attempt to prevent these elections and frustrate implementation of the Accord, assassinated UNP and USA candidates and threatened voters. The SLFP did not contest the elections, stating that the electorate had never assented to the Accord and its provisions. These factors accounted for a below-average

turnout of about 50 percent of the electorate. In parts of the south, where JVP strength is greatest, as little as 8 percent of the electorate turned out.

The President temporarily merged the former Northern and Eastern Provinces by proclamation in September, again in conformity with the Accord. Elections for a Provincial Council were held in the Northeast on November 19. Because of threats of reprisals against participants in the election, this time by the LTTE, there was only a single slate of candidates, representing two anti-LTTE Tamil groups, in the north. In the east, several parties--representing Tamil, Sinhalese, and Muslim communities--contested and won seats.

On December 19, Sri Lanka held the country's second presidential election. Acts of violence and intimidation of voters and poll workers by extremists bent on halting the election is generally conceded to have kept turnout to 55 percent of the electorate--low for Sri Lanka, where voter participation usually runs in the 80 to 85 percent range. Prime Minister and UNP candidate Premadasa was declared winner with just over 50 percent of the vote. His main opponent, Mrs. Bandaranaike, polled about 45 percent. The day following the election, Mrs. Bandaranaike said she had evidence of voting fraud and unfair use of government resources and promised to challenge the results in the Supreme Court.

Women vote in large numbers, but otherwise play a more limited role than men in the political process. There are currently six female Members of Parliament, including two female ministers of cabinet rank. Sri lanka had the world's first female Prime Minister--the current SLFP leader, Mrs. Bandaranaike.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government is sensitive to adverse reports on its human rights situation. Senior government officials have made themselves available to visitors looking into human rights issues. An ICRC delegation visited Sri Lanka in May, meeting with midlevel officials in the Ministries of Foreign Affairs, National Security, and Teaching Hospitals to work out details of ICRC programs for teaching human rights to security personnel and setting up an artificial limbs program at Colombo Central Hospital. Neither program had begun by the end of the year.

In its June 1988 report, covering 1987 and early 1988, AI noted instances in which the Government had not replied to its requests for information on human rights concerns and reported that various requests it had made to the Government to visit Sri Lanka to discuss its concerns had also received no response. In March the Government denied AI official permission to enter the country.

In 1987 the ICRC renewed its previous offer to the Government to provide relief assistance. At its meeting in February, 1987, the U.N. Human Rights Commission adopted a resolution calling upon Sri Lanka to invite ICRC participation in protecting and assisting victims of all affected parties. However, by the end of the year, no decision had been taken on the ICRC's request to visit detention camps. In August IPKF officials said they were unwilling to assume responsibility

for the security of ICRC relief workers in the north and east, effectively preventing ICRC programs there.

Several local nongovernmental organizations monitor human rights, including the Civil Rights Movement and the Movement for Inter-Racial Justice and Equality. They collect information from families of victims or members of citizens' committees near the site of alleged incidents. Their periodic reports and appeals for change are generally not addressed by the Government. Some attorneys represent defendants without charging a fee in those human rights cases which reach the courts. A new human rights organization, the National Amity Movement, with membership drawn from the country's Sinhalese elite, was formed in 1988.

The Government established a Commission for the Elimination of Discrimination and the Monitoring of Fundamental Rights in late 1986. Charged with investigating individual complaints on the basis of race, religion, language, caste, sex, political opinion, or place of birth, the Commission received over 1,757 complaints during 1987, its first full year of operation. Of these, 281 were judged to have merit and were settled after an initial investigation, and 188 were found to have been unjustified. For the period January 1 to November 31, 1988, complaints received numbered 667, with 107 found to have merit and 197 determined to be unjustified. A majority of the cases charged discrimination in the workplace on the basis of a person's political affiliation. The Commission has also addressed questions of systematic discrimination, killings, and torture but has neither issued reports nor shown it can effectively deal with these issues.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Under the British colonial administration prior to 1948, Ceylon Tamils held a larger percentage of influential positions in government service, the police, the professions, and commerce than the percentage of Tamils overall in the population. With independence, Sinhalese political leaders sought to redress what they regarded as an imbalance in favor of Ceylon Tamils. Typical of their efforts was the "Sinhala-Only" Act of 1956 which made Sinhalese the sole official language of the country. For Tamils, the Act stood for government-sanctioned discrimination against them.

In the Constitution of 1978, Tamil was designated a "national" language and its use in government, education, and the courts was specifically protected. Nevertheless, Tamils have charged that these legal protections are not enforced. Members of the Tamil community complain that they suffer from systematic discrimination in competition for university entrance, employment opportunities, and other matters under government control. Government officials have denied charges of discrimination against Tamils, pointing out that a number of prominent Tamils occupy senior-level civil service positions. Many of these Tamils are approaching retirement age, and there are fewer Tamils in the lower ranks of the civil service and military to take their places. Under the Constitution's 13th amendment implementing the terms of the Indo-Sri Lanka Peace Accord, Tamil as well as Sinhalese will become official languages, while English is to be a "link" language. Parliament passed enabling legislation giving force to these constitutional provisions in November.

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One ethnic group which has suffered particular discrimination are Indian Tamils, descendents of Tamils brought from India in the 19th century to work on tea plantations. No longer qualifying for citizenship under Indian law, they were also denied Sri Lankan citizenship by laws adopted after independence. Since then, the Sri Lankan and Indian Governments have reached several agreements aimed at resolving the problem of these stateless Tamils. Under a 1986 agreement, the Sri Lankan Government agreed to grant citizenship to all remaining stateless Tamils. The Government began processing these cases during the second half of 1987 but, due to processing delays, some 230,000 Indian Tamils seeking Sri Lankan citizenship remained stateless. In November the Government eliminated processing delays by passing a law making extension of citizenship to these stateless individuals automatic upon simple request. The new legislation did not cover the 94,000 stateless Tamils who themselves or whose parents once applied for Indian citizenship but who now wish to stay in Sri Lanka. These will be compelled to depart from Sri Lanka.

Sri Lankan women have equal rights under the law, including equal property and inheritance rights. However, various ethnic and religious groups have their own strictures which place limitations on women. Some Tamil families believe their women members should not be seen working in public. Some Muslim women are discouraged by members of their community from seeking higher education or employment. Women do fill important posts in the civil service, the professions, and business, but the majority are found either in manual and semiskilled jobs or in the home. In 1985 women employed in nonagricultural work were paid on average 71 percent of the hourly wage received by men.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for freedom of assembly and association and the right to form and join trade unions. Any seven workers may form a union, draw up their own procedures, elect their own representatives, and formulate programs. Workers' rights, including the right to choose representatives, publicize views, and determine programs, are protected by law. Public service employees have no right to strike and are not provided arbitration machinery. Other workers are free to strike and have done so frequently. Unions may and do affiliate internationally. Sri Lanka is a member of the International Labor Organization (ILO). It sends a tripartite labor, government, and employer team to participate in ILO meetings.

Under the Essential Services Act, the President may declare any business to be an essential service, making a strike illegal. President Jayewardene used this power extensively during the last months of the year to counter the violent efforts of the JVP to shut down essential services and overthrow the Government.

Although there are a few independent unions, most large worker organizations are affiliated with political parties and play a significant role in the political process. Despite constraints arising from their political affiliations, Sri Lankan unions generally have been vigorous in advocating improved conditions for workers.

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b. The Right to Organize and Bargain Collectively

Workers are expressly granted the right to bargain collectively by formation of workers' councils to promote voluntary worker-employer dialogue. Department of Labor officers may arbitrate when workers and employers are not able to resolve a dispute. These officers are stationed throughout the country to assure that employers fulfill their legal and contractual obligations to workers and to be available for mediation in minor local disputes. About 1,000 labor unions and federations together represent about 1/3 of the 5.5 million-strong labor force.

Workers in the nonplantation agricultural sector and most of those employed in small businesses, as well as workers in the free trade zones, are not represented by unions. Unionization in the zones is not prohibited by law but is, according to union leaders, discouraged in practice. However, zone employees participate in labor-management company associations. Workers in the unorganized agricultural sector are not covered by labor laws, although the Government may investigate individual complaints.

c. Prohibition of Forced or Compulsory Labor

There is no forced labor in Sri Lanka.

d. Minimum Age for Employment of Children

Under Sri Lankan laws, employment of children under age 12 is prohibited. Those between ages 12 and 14 are called child workers and may not be employed in industry or dangerous occupations. Employment of young persons between 15 and 18 is subject to certain restrictions. Employees under age 18 cannot be required to work outside specified hours. In addition, employers are required to provide annual leave, rest periods, and meal breaks. In practice, however, there is a work force of children, probably numbering at least several thousand, who work illegally, mostly at jobs in rice cultivation, as domestics, or as street peddlers. Efforts to address this problem have been hampered by the fact that in some cases child workers are a major source of family income.

e. Acceptable Conditions of Work

There is no national minimum wage, but wage boards for 37 different trades set minimum wages and working conditions. Actual wages and working conditions generally exceed these minimums, which many union leaders consider insufficient for maintaining a decent standard of living. Most permanent full-time workers are covered by laws which provide that they shall work no more than 45 hours per week, no more than 9 hours per day, and no more than 5 1/2 days per week, and that they will receive a 14-day paid annual holiday. Minimum conditions for the protection of the safety and health of workers are set forth in legislation passed by Parliament and implemented by the Department of Labor, which employs a staff of engineers and inspectors for this purpose. The Department also educates workers about minimum standards for different workplaces and encourages the use of safety equipment such as earplugs, but union leaders allege that government enforcement of health and safety standards is poor.

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President Hafiz al-Asad wields virtually absolute power, and his Government remains a generally repressive dictatorship. The regime has not permitted other centers of government authority to develop, and independent political opposition is forcibly repressed. There is a Parliament with regular elections but it wields no independent authority. The regime allows a certain amount of regional autonomy to be exercised through local administrative councils affiliated with the Ba'ath Party. There is also some degree of latitude, within limits defined by the President, granted to the judiciary and the economic sector.

The ruling Ba'ath Party, which emphasizes socialism and secular Arabism, gained ascendancy in 1963. It has since become dominated by the military, which consumes a large share of Syria's scarce economic resources. In recent years, the party has served principally to legitimize Asad's rule. Although Ba'ath Party doctrine seeks to overcome sectarian and class consciousness by building a sense of national rather than ethnic identity, ethnic, religious, and regional allegiances remain important. Members of Asad's own sect, the Alawis, hold many of the most important military and security positions.

Except for a hiatus in 1973-74, Syria has been under emergency powers since 1963. Martial law has been justified by the state of war with Israel and continuing threats posed by terrorist groups (Islamic fundamentalist, Iraqi, Palestinian, and Lebanese). The Muslim Brotherhood was, through the early 1980's, the greatest internal threat to the regime. This group of Sunni Islamic fundamentalists openly challenged the secular Ba'athist Alawi-dominated regime in the late 1970's and early 1980's until its brutal suppression in 1982 at Hama. The League for Communist Action is another prominent opposition group which has recently become more active. While it is unclear which of these groups currently poses the greatest threat to the regime, reports of large scale arrests in 1988 suggested that opposition groups were still a problem. Public manifestation of antiregime activity, however, remains very limited.

The central Government maintains an extensive security apparatus. Several main branches of the security services exist, and each is suspected of human rights violations.

Syria has a state socialist economy and has nationalized most major enterprises. The regime has followed economic policies designed to correct previous regional and class disparities. There is a small but vigorous private sector, and most agricultural land is privately owned. Although growth rates have been positive since 1985, the economy is plagued by stagnation due in part to a severe shortage of foreign exchange and structural economic problems.

There was little change in the overall human rights situation in Syria in 1988. Syria remains under the rule of a dictatorship, and there were no signs of progress toward a freer political system or a greater respect for individual human rights. Pervasive denial of human rights, including widespread torture and denial of freedoms of speech, press, association, and the right of citizens to change their government, continued to characterize the regime's record in 1988.

SYRIA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Executions for political beliefs in Syria are typically a reaction to direct and violent threats to the regime or the suspicion of such threats. There appears to have been a decrease in both terrorist incidents and executions in 1988, but political executions probably have not ceased altogether.

b. Disappearance

There were no disappearances reported in 1988. However, Amnesty International (AI), in its 1988 Report covering 1987, noted that several hundred people, including many civilians, reportedly "disappeared" after they were arrested by Syrian forces in Lebanon. Many of those arrested in Lebanon, according to AI, were transported to Syria where they were detained.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Although the penal code prohibits torture and establishes severe penalties for it, there have been numerous credible reports of torture, primarily during arrest and interrogation. In its 1988 Report, AI noted that the use of torture by Syrian security forces, sometimes employing specially equipped torture chambers, was reported to be widespread and routine. Security forces often will arrest family members of a fugitive and detain or torture them until the fugitive surrenders to authorities. There have been no reports of punishment of officials who engage in such practices.

Persons charged with or convicted of criminal offenses are held separately from those charged with security crimes. Conditions in prisons for ordinary criminals are adequate and are better for foreigners than for Syrians. Meals are adequate, and provision is made for exercise and recreation. At least one prison in the Damascus area also makes provision for education and vocational training. Much less is known about conditions in security prisons. No international groups are allowed access to detention facilities. Families are usually not allowed to visit security prisons.

d. Arbitrary Arrest, Detention, or Exile

The civilian legal code, modeled after French law, generally provides for due process, although it permits indefinite pretrial detention during the investigative process. Under the state of emergency, normal safeguards can be suspended, and a person may be held indefinitely without charge or trial, especially in security and political cases.

In cases involving security or political offenses, arrests are made secretly, and there are no legal restraints. The accused has no right to a judicial determination of the basis for pretrial detention, no redress for false arrest, and cannot be contacted by family or friends, who most often do not know where the accused is being held. There are no reliable estimates of the number of persons detained without trial.

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Exile, sometimes voluntary, is occasionally used to rid the regime of troubling elements.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Criminal cases with no political implications are conducted according to the French-based legal code. The defendant is detained provisionally upon the accusation of the public prosecutor, then remanded to a judge for arraignment. The judge may either free him on the basis of insufficient evidence or refer the case to a criminal court. Defendants are entitled to legal representation of their choice; if they cannot afford a lawyer, the court will appoint one. Civilian courts impose no restrictions on lawyers in representing their clients and allow the right of appeal. In noncontroversial criminal cases, the civilian courts are usually free of governmental coercion, although the Government can bring pressure to bear if it wishes to do so. The slow and cumbersome legal system can leave suspects languishing in prison for months.

Defendants in criminal cases are assumed innocent until proven guilty. Defendants are allowed to present evidence and confront their accusers. Trials are public except for cases involving juveniles and crimes which may have a negative impact on moral sensitivity, such as rape. Religious courts usually deal with cases involving marriage, divorce, and inheritance.

In response to the government crackdown against corruption, many people were arrested for currency violations in 1987 and early 1988. Economic crimes, which had been tried under the jurisdiction of the civilian courts, were moved to the jurisdiction of the military courts in March. In a similar move to toughen the Government's ability to control graft and corruption, a Damascus city "administrative decree" was issued in February empowering economic tribunals to render sentences of life imprisonment and/or the death penalty for economic crimes considered severe enough to be "crimes against the State." Thus, the death penalty is now authorized for nonviolent crime in addition to treason or espionage. Several persons were convicted and sentenced to death under those laws. According to recent information, the Government has executed officials for corruption.

Persons charged with security or political offenses fall under the jurisdiction of the military courts or the state security court. Such persons have no say in the selection of a lawyer, who is chosen by the court. All court sessions are closed, and there are no official channels for obtaining information on the trial or sentencing, although relatives with influence in the Government ultimately may succeed in obtaining information and even effect the release of the accused.

The Government does not release information on the number of persons detained for political or security offenses, but the number is probably significant. A number of Ba'ath Party and government officials have been detained since 1970. According to unconfirmed press reports, as many as 150 military officers were arrested in 1982 in connection with a reported coup attempt, and 60 were arrested in the summer of 1986 for the same reason. Some reportedly were released in 1987. Between February and May 1988, unconfirmed reports indicate that up to

1,200 citizens associated with the Muslim Brotherhood and/or the League of Communist Action may have been arrested. Some of these probably have been executed. In its 1988 Report, AI stated that thousands of political prisoners were detained under state of emergency legislation in force continuously since 1963 and that some detainees had been held for several years. It also said that hundreds of others were arrested during 1987 in both Syria and Lebanon.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Intelligence organizations maintain a network of guards to protect officials and important buildings, as well as to monitor the activity of people living in those neighborhoods. Some telephone conversations are almost certainly recorded.

The presence of police and security officials is pervasive, especially in Damascus. The postal system censors the mail, including foreign publications, but it does not check every letter or package. Although the legal system provides safeguards, including a requirement of an arrest and search warrant before police are allowed to enter private homes, regulations under the state of emergency suspend these protections in security-related cases.

Security checkpoints can be set up anywhere, and no warrant for search or arrest at them is required. Security forces are most concerned with terrorists but also search for smuggled goods.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Public criticism of the Government, the Ba'ath Party, and related institutions is not permitted. The Government or the Ba'ath Party wholly own and operate all broadcast media and publishing houses and strictly control the dissemination of all information.

Censorship of foreign and domestic news is exercised through offices in the Ministries of Information and of Culture and National Guidance. Any subject deemed sensitive to government interests will not appear in the press or in daily broadcasts. In 1988 this included the actions taken by Western states against Syria because of its involvement in terrorism, the proceedings and decisions of the Palestine National Council, and civil unrest in either the Soviet Union or Eastern European countries. In some cases, such as the Jordanian disengagement from the West Bank, public commentary was significantly delayed. In another case, only one newspaper published the communique of the Amman summit, critical of Iran; its publisher was subsequently transferred.

Newspapers provide no medium for opposition opinion. The occasional criticism of government politics or their operations occurs only when sanctioned by senior government officials and is limited to minor administrative failings and domestic corruption. There are, however, daily complaints about problems in the economy. In this way, the media act to portray themselves as defenders of the interests of the people. Officials above the middle rank are rarely criticized.

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Imported printed material and films are subject to censorship. Articles about Syria are occasionally deleted from foreign magazines and newspapers before distribution. News material, as well as fictional and nonfictional literature, are sometimes banned if censors consider them overly critical of Syria. Films are censored for a variety of reasons, such as unfavorable interpretation of the Middle East conflict, sectarianism, or the use of actors or production companies targeted by the Arab boycott. Control is much stricter on materials in Arabic.

Schools at all levels are government operated. Even church-run private primary and secondary schools are required to follow the Ministry of Education curriculum and are subject to regular inspection. One hour of the school day is devoted to instruction on Syrian patriotism. Teachers are not permitted to express ideas contrary to government policy, although more freedom of expression is tolerated at the university level.

b. Freedom of Peaceful Assembly and Association

Public meetings, assemblies, or demonstrations may be held only with official permission, and usually at the instigation of the Government or the Ba'ath Party. Private societies, including religious groups, are allowed to meet if they have received governmental permission to organize. They are limited, however, to nonpolitical activities.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Although most Syrians are Sunni Muslim, the Constitution does not espouse a state religion. As a concession to Islamic fundamentalists, who object to Ba'athi secularism, the current regime amended the Constitution to require that the president be Muslim. Otherwise, there is no official preference given to one religion over another. Sunni Arabs constitute over two-thirds of the population. Many key positions in the Government are controlled by members of the minority Alawi sect (10-12 percent of the population), which is considered heretical by many Sunni Muslims.

Ba'athi ideology and modernizing influences have had some impact in diminishing the primacy of religion and ethnicity, but individual Syrians continue to identify themselves by their communal associations. Non-Alawi and non-Sunni groups have the freedom to practice their individual religions, but religious training, fundraising, construction, and the holding of all meetings except for worship are tightly restricted and sometimes banned. Non-Muslim groups may maintain links with Muslims and coreligionists outside Syria.

One exception to the official policy of religious tolerance is the treatment of Seventh-Day Adventists, who are forbidden to practice their religion or own church property.

Foreign missionaries are permitted to operate, although proselytizing is strictly forbidden. The publication of religious materials is subject to the same strict controls as secular material.

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The status of Syrian Jews continues to be influenced by the ongoing state of war with Israel. The 3,000 to 4,000 Jews in Syria are free to practice their religion, and the situation of the Jewish community has improved in recent years, despite the uncertainty dictated by regional developments.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel is restricted only in the security zone of the Golan Heights and near the borders with Lebanon, Jordan, and Iraq. All citizens wishing to travel abroad must acquire passports and exit visas. In theory, Syrians can travel to other Arab countries, except Iraq, on their identification cards alone, although in practice this applies only to Lebanon. Women of any age and children under 16 must have permission to travel abroad from husbands or fathers. The male head of a household can also register his wife's and children's names with immigration authorities to prevent their departure from Syria.

In general, the Government prohibits foreign travel for persons liable for military service and for certain categories of professionals, such as pharmacists, architects, and engineers, trained at public expense, who have not fulfilled 5 years of government service. Under exceptional circumstances, however, persons in these groups may obtain passports valid for 3 months and limited for travel to specific countries. Students traveling abroad for higher education must obtain permission from the Foreign Ministry and, like all Syrians, are subject to recall by the Government. Persons caught trying to travel illegally are subject to fines and detention.

Palestinians living in Syria must also obtain an exit visa from Syrian authorities, and young Palestinians sometimes experience difficulties obtaining the requisite travel document.

Jews, particularly those with significant holdings and financial ties in Syria, have found it somewhat easier to travel abroad in recent years. With some exceptions, the Government continues its policy of not issuing passports to all members of a Jewish family at the same time. In theory, any Syrian can be required to post a bond of between $300 and $1,000 which would be forfeited in the event of nonreturn. In reality, only Jews are routinely required to post such bonds. Moreover, Jewish emigration continues to be banned. Persons caught trying to emigrate, traveling illegally, or suspected of having visited Israel are arrested. Beginning in late 1987 and continuing into 1988, at least 10 Jews were arrested for violating travel restrictions and received sentences of 6 months to 1 year. In the first 9 months of 1988, five who had served their term were released. AI issued a report in 1988 on members of the Syrian Jewish community who had been arrested and detained without charge or trial for several months. AI's requests to the Syrian Government for information about allegations that at least three of these detainees were tortured received no response.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

President Asad and his senior advisers maintain strict control over the political life of the nation. Syrians have little to say in the determination of their political leadership.

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Popular participation in presidential elections is provided for in the Constitution. The Parliament has little real power except with respect to labor conditions. Major initiatives normally take the form of presidential decrees and Ba'ath Party resolutions which are later ratified by the Parliament. The Constitution provides that the Ba'ath Party is the leading political organization. Other legal parties, which nominally are members of a broad-based national front, are severely restricted. Some parties, such as the League for Communist Action, are outlawed.

According to official sources, during the 1985 presidential elections President Asad received 99 percent of the vote, with 99 percent of the public participating. There was no opposition candidate.

A certain degree of regional autonomy is permitted as long as it does not challenge the central Government's authority. Major cities, for example, exercise local administrative control. Certain ethnic and social groups, such as the Bedouin and people living in small villages, have little contact with the central Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government denies charges of human rights violations, often ignoring them or calling them intrusions into internal affairs. There are no internal groups monitoring human rights. AI's inquiries are ignored, and the International Committee of the Red Cross has had only limited access to prisoners. No Syrian has been willing publicly to criticize the Government for human right violations.

The Government exerts great efforts in the U.N. and other international bodies to highlight human rights abuse by other countries--especially Israel, Iraq, South Africa, and, in 1987, the United States.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Membership in the Ba'ath Party, or being a close relative of a prominent Ba'ath Party member, is important to prospering in the Syrian economy. Party connections can pave the way for entrance into better schools, access to more lucrative employment, and greater power in government. With respect to job discrimination based on religion, members of the Alawi sect enjoy a favored position and Jews are prohibited from joining the military.

The official state of war with Israel continues to influence the status of Syrian Jews, although the community's situation has improved in recent years. Today, the Jewish community enjoys a relatively high standard of living, access to higher education, and entrance into the professions. Jews are subject to a stricter application of foreign travel restrictions, however, and are the only minority whose passports note their religion. Contact between Syrian Jews and Israelis is prohibited. Like members of other small minorities, no Jews hold senior positions in the Ba'ath Party. Jews are not required to perform government service and are barred from the military. A few hold low-level government positions as clerks and teachers.

SYRIA

Syria's Palestinian community numbers approximately 250,000 registered with the United Nations Relief Works Agency and consists predominantly of refugees from the 1948 and 1967 Arab-Israeli wars. Several thousand Lebanese and Palestinians also fled to Syria in 1982 following the Israeli invasion of Lebanon. Palestinians are officially temporary residents pending the resolution of the Arab-Israeli conflict.

Under Syrian law, resident Palestinians enjoy equal access to employment, social services, and education. In addition, Palestinian organizations sanctioned by the Government operate social institutions within their community. Palestinians may choose their place of residence and occupation, and the majority participate fully in the local economy. With government permission, they may own more than one building or plot of land.

The Government allows the operation of those Palestinian political groups that espouse the officially sanctioned policy against Yasir Arafat, although their activities are carefully circumscribed. Palestinians may not vote in Syrian elections or acquire citizenship except through marriage to a male Syrian citizen. Although they currently occupy several senior positions in the bureaucracy, Palestinians are unofficially barred from the highest echelons of the Government.

The Constitution affirms the rights of women and calls for the elimination of all obstacles to women's development. Historically, Syrian women have benefited from government policies, including the right to vote (1949) and equal pay for work of equal value.

Syrian women hold positions in all sectors of the Government and the economy. They presently comprise about 12 percent of the documented work force, although the figure probably rises in rural areas. Forty-three percent of all women are literate, compared to a national average of 49 percent. The Government encourages women's enrollment at all levels of education.

Traditional concepts of male guardianship of women continue to counteract official policies. Particularly among Muslims, these concepts often limit a woman's rights in matters of marriage, divorce, child custody, inheritance, and personal decisions.

Section 6 Worker Rights

a. The Right of Association

The Government uses the Syrian General Federation of Trade Unions (GFTU) as its framework for controlling nearly all aspects of union activity. Workers are not free to form labor unions independent of the government-prescribed structure. While unions are used to transmit instructions and information to the labor force from the Syrian leadership, there are indications that elected union leaders, as members of the Ba'ath Party, also act as a conduit through which workers' dissatisfaction is transmitted to the leadership. The head or deputy head of the GFTU, for example, participates in all cabinet sessions. In addition, by law at least 51 percent of the members of Syria's Parliament must be workers or peasants. While strikes are not prohibited under Syrian law (except in the agricultural sector), in practice they are effectively discouraged.

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The GFTU is affiliated to the International Confederation of Arab Trade Unions and the Soviet-controlled World Federation of Trade Unions. It also represents Syrian workers in the International Labor Organization (ILO).

Under the 1973 Constitution, the people have the right to form trade unions. Syrian labor unions are organized sectorally and at local, provincial, and national levels. Under Syrian labor law, any group of 50 or more workers in a particular profession or sector may form a guild committee. These local committees may join to form a provincial union. These provincial unions may join with others in the same profession to form a national syndicate or union. Officials at all levels are elected, and the provincial unions reportedly are financially independent of the national syndicate.

However, the ILO's independent Committee of Experts on the Applications of Conventions and Recommendations has observed that only one trade union can be set up for the same occupation within the same province and that the unions in a province can only group themselves into one provincial federation of workers.

Of the 198 national unions in Syria, all but 8 are part of the GFTU structure. The Government maintains that the unions which belong to the GFTU chose voluntarily to do so because "the central affiliation system enables the workers to attain their objectives and their ambitions of having partner status in negotiations." The GFTU is charged with providing opinions on legislation, devising rules for workers and labor, and to organize labor. The elected president of the GFTU is a senior member of the ruling Ba'ath Party. The secretary general of the eight nonaffiliated associations, some of whom are not Ba'ath Party members, are also elected officials.

The ILO's Committee of Experts in its 1987 and 1988 reports concluded that the GFTU structure amounted to a legally mandated system of trade union unity. It observed that under the law the GFTU has the right to dissolve the executive committee of any trade union. Other observations of the committee had to do with restrictions on the right of foreign workers to join or form trade unions of their own choosing; the interference of public authorities in trade union administration; the supervision of their financial accounts; the right of the GFTU to dissolve the executive committee of any trade union; and the prohibition of strikes in the agricultural sector.

b. The Right to Organize and Bargain Collectively

In the public sector, unions do not normally bargain collectively on wage issues, but their representatives participate with the representatives of the respective employer and ministry in establishing sectoral minimum wages. Moreover, in a country whose major industries are publicly held, workers make up the majority of each board of directors and always include union representation on those boards. They also monitor and enforce compliance with the labor law. In the private sector, unions are active in monitoring compliance with the laws and ensuring workers' health and safety. The guilds, under the law, can undertake negotiations for collective contracts with employers. They can sue and be represented in court.

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There is no information currently available regarding Syrian labor practices inside Syrian free-trade zones.

c. Prohibition of Forced or Compulsory Labor

There have been no indications of forced or compulsory labor in Syria.

d. Minimum Age for Employment of Children

The minimum age in the predominant public sector is 14, though it is higher in certain industries. The minimum age varies more widely in the private sector; the absolute minimum age is 12, while parental permission is required for children under age 16 to work. Children are forbidden from working at night. The Labor Ministry is responsible for enforcing minimum ages, but the number of labor investigators is low, and violations of the law may be extensive.

e. Acceptable Conditions of Work

The Government provides minimum and maximum wage limits in the public sector. Salaries are set on a monthly scale. The wages were set in 1985 and revised in 1987, reflecting an approximate increase of 30 percent, while inflation was officially estimated at about 70 percent. The lowest salary scale for an entry position, with no experience or credentials and engaging in no physical labor, is approximately $75 per month at the official rate of exchange. The highest public sector starting salary is approximately $167 for someone with a Ph.D. degree. Neither of these rates alone is sufficient to provide a decent standard of living. As a result, many workers take additional jobs or live in extended families to make ends meet.

There is no fixed minimum wage in the private sector for permanent employees. However, the monthly minimum would not be less, in practice, than that in the public sector. According to the 1959 labor law, minimum wages in the private sector are fixed by the Minister of Social Affairs and Labor. Recommendations are put to him by a committee, formed by a representative of the Ministry of Industry or of Economy and Commerce plus a representative of the employers and of the employees (union or guild).

Syrian labor law extensively regulates conditions of work. This includes rules and regulations which severely limit the ability of an employer to fire an employee without due cause, an issue which the employee may take to court. It has become a truism and an economic problem that workers, once hired, cannot easily be fired. One exception to the well-regulated labor field is that of day laborers. They are not subject to minimum wage regulations and receive compensation only for job-related injuries. They are commonly employed in small private firms and businesses in order to avoid the costs of permanent employees.

The workweek consists of six 6-hour days, although in certain fields in which workers are not continuously busy a 9-hour day is permitted. Labor laws also mandate a full 24-hour rest day per week. Employees are guaranteed 15 days of paid leave per year during the first 5 years, rising to 30 days per year for persons over age 50 or with 20 years' employment. Employers are required to provide limited medical care, and

establishments with more than 100 employees must hire a nurse and offer access to a physician when necessary.

Public laws mandate safety standards in all sectors, although actual enforcement depends on individual managers and may, therefore, vary. The Government provides disability insurance for job-related injuries. Permanently disabled workers who do not return to their job receive severance pay of up to 70 percent of their last salary, with a sliding scale based on the extent of the disability. Employees often experience delays in receiving compensation but have recourse to the legal system in the event of nonpayment.

Guest workers theoretically receive the same benefits, but are often reluctant to press claims because worker permits may be withdrawn at any time. Moreover, many work illegally and are not covered by the government system.

Women may not engage in jobs involving heavy labor and must obtain permission to work at night. A woman may take maternity leave of 2-1/2 months at full salary, 1 month at 80 percent of salary, and up to 4 years' leave without pay, after which she may rejoin the work force in her former job.

TUNISIA

Zine El Abidine Ben Ali assumed the office of president in November 1987 peacefully and in accord with Tunisia's Constitution. During 1988 the Government legalized three new political parties, promulgated a major prison-reform decree, opened a dialog with domestic and international human rights organizations, and in general began to bring Tunisian political practice more into line with the precepts of the democratic system called for by the Constitution. In the context of a national pact signed by Tunisia's various political forces on November 7, 1988, the President advanced parliamentary and presidential elections from 1991 to 1989. However, at year's end the severe beating of two political party representatives by unknown assailants and two cases of press censorship marred this general progress on human rights.

The internal security of Tunisia continues to be maintained by civilian services, backed up by the armed forces in times of crisis. Since the change in government in 1987, these services have generally adhered to the law and have not used repressive measures to maintain internal security.

Easing trade restrictions and moving toward privatizing some industries, the Government deepened Tunisia's commitment to structural adjustment. Tax reform, including a successful tax amnesty program, instilled greater confidence in the economy. Revenues from tourism, textile exports, and resumed trade with Libya improved Tunisia's balance of payments. Yet, while 1987 had been a bumper year owing to good crops and relatively high oil prices, in 1988 oil prices were soft and agriculture was hit hard by drought and an infestation of locusts. The high rate of youth unemployment as well as the erosion of buying power continued to trouble the economy.

The Government took a number of positive steps in 1988 to improve the human rights situation. President Ben Ali declared in conjunction with a pardon of 79 political prisoners in November that Tunisian prisons are now empty of political prisoners, an achievement which was affirmed and commended by the Tunisian Human Rights League. During his first year in office, he ordered the release of more than 3,000 political prisoners, including Islamic Tendency Movement (MTI) leader Rachid Ghannouchi in May. The total number of pardoned political and common prisoners reached 8,000 by year's end.

The 1987 law limiting prearraignment and pretrial detention was effectively applied. In September two new opposition parties and two major student associations became legal under the terms of new laws on parties and associations which were enacted in July. A third new party was legalized in November. Amnesty International (AI) was given permission to open a Tunis office, and the Chamber of Deputies ratified the U.N. Convention on Torture in July without reservation. Political exiles--including MTI leader Abdelfattah Mourou, former ministers Ahmed Ben Salah, Mohamed Masmoudi, and Driss Guiga, and political personalities Wassilla Ben Ammar and Sophia Ben Youssef--returned to Tunisia at a steady rate.

TUNISIA

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

As noted above, the Chamber of Deputies in July ratified without reservation the 1984 U.N. Convention on Torture. In October the Court of Jendouba, in a decision without precedent in Tunisian courts, honored a lawyer's request for an accused person to have a medical checkup, owing to evidence of torture. In a second case, an MTI member was reportedly beaten after his arrest in Siliana in October. He claimed in a letter to President Ben Ali that he was later taken to the Interior Ministry in Tunis and tortured again. Both of these cases received wide press coverage. There were other occasional reports of police beatings of prisoners, and the Tunisian Human Rights League expressed its concern to the Government that the Convention on Torture has not been adequately complied with in police stations.

In November the Government issued a special decree establishing detailed rights of Tunisian prisoners in such areas as health, nutrition, hygiene, exercise, work, visits, consultation with lawyers, and education. The decree grants a prisoner the right to talk to his lawyer without the presence of prison officials. It sets the maximal disciplinary measure at 10 days' solitary confinement. The Human Rights League, which had long pressed for prison reforms, greeted the decree as a positive step.

d. Arbitrary Arrest, Detention, or Exile

There were no reported cases of arbitrary arrest, detention, or exile.

The perpetrators of the bombing of four tourist hotels in 1987 remain in prison. Similarly, several dozen persons have been in detention since November 1987 on the grounds of plotting the violent overthrow of the Government. One member of the November 16 plot reportedly died while under detention. Tunisia's two major human rights organizations have asked Government officials to ensure the full legal rights of the November 16 detainees. Several of the detainees were released on the first anniversary of the November 7, 1987, change of government.

Under the previous Government the authorities could extend prearraignment detention indefinitely. A law adopted by the new Government in November 1987 limits prearraignment detention to between 4 and 10 days. A detainee may request an examination by a medical doctor, but may otherwise be held incommunicado. All detainees have the right to a lawyer for arraignment; the Government provides legal assistance to indigent detainees. Pretrial detention is limited to 6

months, renewable by an arraignment judge for up to two additional 6-month periods in the case of felony indictments. Human rights organizations reported few cases of abuse of the new law in 1988. The Tunisian League of Human Rights, reporting that it now has open channels to the Interior Ministry regarding detainees, has publicly supported a further reduction in prearraignment detention.

Many exiles returned to Tunisia in 1988. Among those returning were MTI leaders Abdelfattah Mourou, Hamadi Jebali, and Hachemi Hamdi; former Minister of Foreign Affairs Mohamed Masmoudi; former Minister of the Interior Driss Guiga; Bourguiba's ex-wife Wassila Ben Ammar; and Salah Ben Youssef's widow.

President Ben Ali also acceded to the request of former president Habib Bourguiba, who had been under medical supervision at a private residence outside Tunis, to move to his home town Monastir.

e. Denial of Fair Public Trial

Tunisia's court system is highly centralized under the Justice Ministry. Trials are normally open to the public, and both domestic and foreign observers are able to attend. No secret trials were held in 1988. Prison sentences are usually divided into two categories: confinement in prison and confinement at forced labor.

Having abolished the position of General Prosecutor of the Republic and the State Security Court in 1987, President Ben Ali continued in 1988 to give public support for a more independent judiciary. His stance reflected the widespread sentiment, even at the highest levels of the Justice Ministry, that magistrates, whose career paths are controlled by the Ministry, do not act independently of the executive branch. Changes which human rights activists suggest as ways to increase judicial independence (and lessen corruption) include higher pay and a tenuring system making it impossible for the Justice Ministry to banish out-of-favor judges to remote areas of the country. However, many Tunisians emphasize the need for a change in attitude--they think that the legal structure to foster independence is essentially in place, but that judges have yet to show initiative.

Of 55 MTI members convicted by the State Security Court in September 1987 for seeking to overthrow the Government, the President pardoned 21 in July. In September a Tunisian appeals court significantly reduced--to 5 years--the sentences of 12 others. The President pardoned the latter 12 in November, although their political rights remain suspended. He has also pardoned more than 5,000 common prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the person as well as the inviolability of the home and privacy in correspondence, "except in exceptional cases defined by law." Since the disbanding of the ruling party's militias and the restricting of activities of the security forces after the change of government, human rights organizations report that the privacy of the individual and of the home have been generally respected. There have, however, been some reports that correspondence and telephones are sometimes monitored.

TUNISIA

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While in practice there has been some relaxation of government censorship of the press, a new press code, relatively severe in its terms, was adopted in 1988. For example, all publications must be submitted to the censor at the Interior Ministry. The level of criticism to be permitted is under discussion by the Information Ministry and the Tunisian Journalists Association.

Tunisian law requires that the first copy of each edition of all periodicals and of all published books be submitted to a censorship authority. This body has the power to censor, either partially or completely, any publication it receives. However, several changes in the new code are favorable. The right of the Interior Ministry to suspend publications has been restricted. Due process and the decision of a judge are now necessary prior to action to suspend, and suspensions may apply only to a single issue of a paper. Previously, suspensions could be indefinite. The Ministry still has an escape clause allowing it to suspend publications that "risk harming public security," but in this case, only the offending article can be suppressed. The Ministry must rule on publication within 3 days.

The crime of defamation has been limited in that the author of an article which a deputy, civil servant, or other public official deems defamatory can now assert the truth of the article as a defense.

Since the change in government, there have been at least four instances of interference with freedom of the press. In the first case, in December 1987, the weekly Les Annonces was suspended for 3 months because of an issue featuring a cartoon that satirized former President Bourguiba. Upon appeal in January 1988, the court at Tunis reduced this sentence to 1 month.

In the second case, the influential independent Arabic-language journal Er Rai, which had stopped publication under pressure in early 1987, voluntarily withdrew from circulation the issue which was to celebrate its rebirth in early 1988. A commentary in this issue challenged the new Government in a highly critical tone to prove its commitment to press freedom by discouraging media aggrandizement of the leadership. The Government's role in Er Rai's decision to cease publication is not clear. However, the decision did signify an informal limit on press freedom.

In the third case, the Interior Ministry seized a November issue of the weekly El Mawqif for "diffusion of information concerning unrecognized political parties." The Human Rights League declared that the seizure had no convincing legal basis and set a dangerous precedent.

In the fourth case, the Government ordered a mid-December issue of the weekly Realites removed from the newsstands because it contained an editorial criticizing the lack of independence of judges. The succeeding issue of Realites failed to appear. The editor of Realites and author of the editorial were to appear in court at the end of December to answer charges of defamation of the courts. At the same time, there was no interference with an issue of the weekly Maghreb

which sharply criticized the Government's action against Realites.

In the midst of these cases of interference, previously banned publications, such as Le Phare, continued to reappear throughout 1988 (although the failure of Le Phare to appear in mid-December raised speculation that it had run into government obstruction). Newspapers, including government organs, carried debate and dissent on official positions. Opposition politicians were given some access to television, which continues to be government owned. Furthermore, the Cultural Affairs Ministry announced in December that it will no longer require issuance of a permit for publication of scripts for the theatre. However, the Ministry will continue to view plays before they are allowed to open.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, but any group wishing to organize must obtain authorization. Under the law, recognized organizations must also obtain permission to hold mass meetings. Before November 1987, the Government kept a tight rein on political activity. In contrast the new Government passed laws on parties and organizations which paved the way for new opposition parties and student associations to become legal.

In contrast to 1987, when campuses were focal points for unrest and police raids, the new Government granted recognition in September to two major student organizations, the Tunisian Students' Union (UGET) and the Union of Tunisian Students (UGTE). Preceding official recognition, the UGET reorganized its political activities at a conference in March--its first conference since 1972.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution establishes Islam as the state religion, but also provides for the free practice of other religions. However, proselytizing for religions other than Islam is prohibited. The Constitution calls on all political parties to respect and defend Tunisia's Arab-Muslim identity. The President and his parents and grandparents must be Muslim. Under President Ben Ali, Islam has been given more prominence in public life. Prayers are broadcast on television and radio. Islamists have not been subject to arrest since the change of government. Twelve Islamists exiled under former President Bourguiba were tried in September under existing indictments when they returned to Tunisia. Although found guilty, they received suspended sentences and were pardoned shortly thereafter by the President.

Tunisia's Jews comprise the largest religious minority in the country, with an aging population of under 2,200. The Jewish community worships freely and maintains its own organizations with official sanction. Christians, mostly expatriate, freely attend church services. Under an agreement between the Vatican and the Tunisian Government, several Roman Catholic religious orders remain active. The official ban on Baha'i religious meetings, imposed in 1984, is still in effect.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement in Tunisia, but all citizens must carry identity cards. The Government opened Tunisia's border with Libya in 1988, and Tunisia and Libya are designing a common identification card. At a Maghreb conference in Tunis in October, Algeria, Mauritania, and Morocco confirmed their interest in adopting this common identification card as a step toward alignment of social policies and promotion of freedom of movement throughout the Maghreb. Passports for foreign travel are readily available. In October the Human Rights League reported that relatively few passports withheld by the Bourguiba government in 1987 still had not been returned. MTI leader Rachid Ghannouchi and former trade unionist Taieb Baccouche were among those whose passports were returned toward the end of the year. Ostensibly because of the large foreign presence in Tunisia, including the Palestine Liberation Organization (PLO) and the Arab League, the Interior Ministry still carried out random roadblocks and identity checks in 1988.

There is no restriction on emigration or repatriation, although foreign-exchange restrictions and a high departure tax make travel more difficult. The Government took steps in 1988 to ease the financial burden for returning emigres by, for instance, greatly reducing the tax on the import of the personal vehicle of any emigre returning from France.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the former Bourguiba regime, citizens did not have the right peacefully and democratically to change the Government. The passage of legislation amounted to the rubberstamping of executive decisions, and in 1987 the Chamber of Deputies contained only members of the ruling party.

The Constitution provides for a parliamentary democracy with separation of executive, legislative, and judicial powers. A unicameral legislature, the Chamber of Deputies, is elected every 5 years and is the lawmaking authority.

Throughout 1988, President Ben Ali publicly supported democratization. In June the leading opposition party, the Movement of Social Democrats (MDS), was permitted to celebrate its 10th anniversary with a major convention, prominently placed banners in Tunis, and brief access to government-controlled Tunisian television for a statement by MDS Secretary General Ahmed Mestiri. In September Ben Ali launched a debate among all political movements, recognized and unrecognized, to shape a national consensus--a "national pact"--to define the principles of Tunisia's evolving political system.

The pact included a broad cross-section of Tunisia's political forces: the recognized political parties, MTI, Tunisian Trade Union Federation (UGTT), Chamber of Commerce, and student and women's organizations. Signed on November 7, the pact is considered by opposition parties and the MTI to be a positive step. It proclaims that the political groups which signed it will work together toward a democratic government. It reiterates Tunisia's commitment to women's rights, calls for respect for human rights and political tolerance, endorses an

equitable sharing of the burdens of economic development, and reaffirms Tunisia's Arab and Islamic identity.

The new law on parties stipulates that every political party must reject violence in all forms, including fanaticism, racism, and other forms of discrimination. No party can receive funds from a foreign party or material aid directly or indirectly from foreign countries or from foreigners resident in Tunisia. All adherents to a party must have been Tunisian citizens for at least 5 years. Furthermore, no party can claim to represent a religion, race, sex, or region. The Government licensed three new parties: the Socialist Progressive Party, the Party for Social Progress, and the Arab Unionist Party. At the end of the year there were 7 legal parties, with some 15 parties aspiring to recognition.

The MTI expressed its support for the Government, and indicated it was considering a change in its name and political approach in order to comply with the new standards and thus be officially recognized as a party. The MTI's major complaint was said to be the absence of a legal framework enabling Islamists to campaign and organize openly. MTI members were reportedly unhappy with the legal restrictions imposed on their leader, Rachid Ghannouchi, who was not permitted to engage in politics (although he did hold audiences for MTI supporters).

Progress toward more open political debate was marred in November and December by several cases of harassment of both recognized and unrecognized political parties. The Human Rights League took up each case immediately and vociferously in the press. The cases included: the severe beating of Belhaj Ali, a member of the politburo of the newly legalized Party for Social Progress, by an unidentified band; the severe beating by unidentified men of Bechir Essid, a lawyer known to be a member of an illegal Arab nationalist, pro-Libyan party; and the Interior Ministry's order to Hamma Hammami, leader of the unrecognized Tunisian Communist Workers' Party, to stop his illegal political activities.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

The Tunisian League of Human Rights is one of the oldest and most respected human rights organizations in the Arab world. Under fire from the government-controlled press before the change of government in 1987, the League was vindicated in 1988. Saadeddine Zmerli, former League president, was named Public Health Minister. Other League members were named to the Economic and Social Council, and the League's current president, Mohamed Charfi, met with President Ben Ali in September. Arrested in 1987 for defamation, Khemais Chamari, Vice President of the Tunisian League of Human Rights as well as Vice President of the Paris-based International Federation of Human Rights, had his own political rights restored.

The League applauded the Government for its human rights record in 1988, and urged further progress toward such goals as a general legislative pardon to restore full civil and political rights to beneficiaries of presidential pardons. The League also pressed for a change in the legal status of judges and encouraged more independence on the part of the judiciary (see Section 1.e.). The League held periodic open conferences around the country to educate citizens about human

rights and the democratic process and received wide radio and television coverage in programs on human rights. The Government responded in part by using Human Rights Day (December 10) to launch a nationwide human rights education campaign. The subject of human rights is now being integrated into the Tunisian school curriculum.

Another human rights organization, the Association for the Defense of Human Rights and Civil Liberties, was created in 1987 with the encouragement of the previous government. It continued to operate in 1988 under its original president, Dr. Dhaoui Hannablia. The Association still has little structure outside of Tunis and has been focusing broadly on the promotion of human rights education. Both the League and the Association are recognized by the Government.

The Government also demonstrated its desire to cooperate with international human rights organizations. Between 1981 and 1986, Amnesty International (AI) had requested permission five times to open a Tunis office. In 1988 the Government granted this permission, a first in the Arab world. The U.N. and the Arab Organization of Human Rights have also chosen Tunisia as the seat for a new Arab-African Institute for Human Rights. The International Federation of Human Rights continues, with government permission, to carry out human rights activities, such as observation of the judicial system in Tunisia.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Personal Status Code, enacted in 1957, calls for equal rights for men and women, including equal rights in divorce and child custody. Despite fears that the new Government might undermine the Code, it has openly supported equality for women. However, tradition remains a strong force in Tunisian family life.

Equal access of men and women to education is stipulated by law. According to 1984 census statistics, 58.1 percent of females over the age of 10 were classified illiterate, compared to 34.6 percent of males. However, the number of females finishing primary and secondary education has increased. For example, 35.3 percent of the students finishing secondary school were female, according to a 1980 census, while 39.7 percent were female in 1984.

The number of women in the work force is increasing at a moderate pace. While 6.1 percent of women were formally employed in 1966, 21.4 percent were so employed in 1984. Women are best represented in the fields of medicine, journalism, and teaching. However, outside of the civil service, working women in Tunisia generally earn less than men, in part because much female labor takes place in the unregulated informal sector, and because traditional Arab culture gives men the responsibility for earning a living. While 24.5 percent of civil servants were female as of the 1984 census, women generally have difficulty obtaining high government positions. One woman is serving at the level of junior minister, and two have been appointed as ambassadors. Forty-three percent of the female work force have jobs in the low-paying textile or leather industries, and women in the industrial work force usually hold the lowest paying jobs. Twenty-six percent of employed women manage their own businesses, and about 25 percent are officially estimated to

work in agriculture, where they reportedly earn about half the wages of their male counterparts.

Tunisia's population is largely homogeneous, and there is very little racial, linguistic, or social discrimination.

Section 6 Worker Rights

a. The Right of Association

Tunisia's Constitution stipulates the right to organize a union and to strike. The roughly 20 percent of Tunisia's work force that is unionized includes most public sector workers and those in large private establishments.

Tunisia's tradition of free trade unions came under attack under the previous government, and by 1987 government pressure had led to the removal of the executive board of the General Union of Tunisian Workers (UGTT) and the installation of a new board. The deposed members were loyal to the labor leader Habib Achour, who was at the time under house arrest. The new board adopted a charter that sought to restrict collective bargaining and strikes. The new procedure for sanctioning strikes requires a majority vote of all UGTT member unions, not just the affected syndicate as before. This procedure remains on the books but is often ignored. Many UGTT-member local unions stage short wildcat strikes without interference from the Government.

In 1988 the UGTT began to normalize its operations and its relations with international labor organizations, notably including its membership in the International Confederation of Free Trade Unions. At the end of the year, the UGTT was preparing for shop elections, leading to an extraordinary congress scheduled for January 1989. In the interim, a mixed labor commission was examining labor issues, and bipartisan sectoral and regional commissions were established to oversee the elections.

b. The Right to Organize and Bargain Collectively

Many UGTT-member local unions engage in collective bargaining at the shop level without interference from the Government. Export promotion zones per se do not exist. The Government does offer, however, fiscal incentives to firms producing for export. The labor law is the same for exporters and nonexporters, but exporters--emboldened by the government favor they enjoy--are more likely to challenge unionizing and collective bargaining. Unionized workers deem managers of exporting companies recalcitrant, and a number of strikes have occurred against such firms.

c. Prohibition of Forced or Compulsory Labor

Under Tunisian judicial practice, prison sentences may include confinement at forced labor. In 1981 the International Labor Organization (ILO) criticized Tunisia for this practice. While Tunisia continues to use compulsory labor as a sentence, it reportedly resolved ILO concerns on this issue in 1983 in a comprehensive report. The ILO has continued to urge Tunisia to bring its legislation on rehabilitation work and civic service into conformity with the Convention on Forced Labor. In November President Ben Ali stated his intention to submit draft legislation to abolish forced labor.

TUNISIA

d. Minimum Age for Employment of Children

Child labor is prohibited prior to the age of 16. The Ministry of Social Affairs oversees the provisions affecting child labor. However, children perform a great deal of the agricultural work in rural areas, and children in Tunis can also be seen vending food and other goods.

e. Acceptable Conditions of Work

Tunisia has a labor code, dating from independence in 1956, that sets standards, including a 48-hour workweek and minimum wage, for some 60 percent of the labor force working in the civil service, public sector companies, and professions such as teaching. A considerable amount of labor, however, takes place in the informal economy outside the Government's control. Such labor includes both moonlighting in occupations covered by the labor code and activities such as residential construction falling outside the code's purview. Work standards in the informal sector are often below government norms. The labor code also serves as an indirect model for the larger private sector companies. However, in general the Government does not enforce the minimum wage law, particularly in the nonunionized sectors of the economy.

Employees who are covered by the minimum wage law should also receive other benefits, including social security, disability and health insurance, transportation and family allowances, and paid leave, but sometimes do not. The labor code requires employers to pay overtime, a night work differential, and holiday pay. In the major urban areas, a minimum wage employee with a family of four nets between $170-210 per month when allowances are included. In agriculture the base wage was increased to about $3.85 per day, although this directly applies only to 37 percent of the agricultural work force and does not cover migrant agricultural workers. Supplemented by the benefits listed above, the minimum wage is adequate to provide a decent living for workers and their families. Over the past several years, however, inflation has outstripped increases in the minimum wage, thereby eroding the standard of living.

The Ministry of Social Affairs has an office with responsibility for improving health and safety standards in the workplace. In many hazardous jobs--i.e., mining, petroleum engineering, and construction--the Government has established new regulations. These regulations are enforced more strictly in Tunis than in the rest of the country, where much work, especially in construction, is done in the informal sector. It is estimated that there are about 3 work-related deaths per week in Tunisia, 300 cases of workers suffering disabling injuries each year, and 250,000 workdays per year lost due to work-related accidents.

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation of seven emirates, each of which retains extensive control over such vital matters as economic policy (including oil), internal security, and some aspects of defense. There are no popular elections, either local or federal. Instead, emirate rulers' legitimacy is grounded in longstanding tribal tradition. The seven emirate rulers comprise a Federal Supreme Council which, in theory, is the UAE's highest legislative and executive body but which seldom meets. In practice, the legislative and executive work trickles down to the various emirates and the more active federal ministries. The Supreme Council selects a president and vice president from its membership; each serves a 5-year term. The president appoints a prime minister and a cabinet. A Federal National Council of 40 members, appointed by the emirate rulers, offers the Federal Government nonbinding advice on legislation and reviews government operations.

Some of the individual emirates maintain independent internal security organizations, which concentrate mainly on antiterrorist activity.

The economy is based on oil and gas production, which has made the UAE's per capita income one of the world's highest, despite the recent decline in oil prices. A small citizen population controls the country's economic life but depends heavily on a much larger contingent of foreigners to provide manual labor and technical skills. These foreigners have virtually no political role.

There was no significant change in the human rights situation in 1988. The ruling families of the individual emirates and their allies continued to play the dominant political role, and there was no discernible movement to extend the boundaries of formal political participation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

No political killings were reported.

b. Disappearance

No political disappearances were reported.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture or degrading treatment of any person, and the physical or moral abuse of an accused person. No instances of torture were reported in 1988. However, Amnesty International (AI), in its annual report covering 1987, noted that it had received allegations that several people were detained without trial and that some of them were tortured. A number of these persons were Iraqi citizens, members of the UAE's large expatriate community. There is no evidence that the authorities condone mistreatment of prisoners.

UNITED ARAB EMIRATES

There were no instances of the amputation of a hand for theft or stoning for adultery under the system of Shari'a law, which is still an integral part of the judicial system.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arrest, search, detention, or imprisonment except in accordance with the law, and the laws of each emirate prohibit arrest or search without probable cause. By law, the police must report any arrest to a judge within 48 hours for his determination whether to charge, release, or, with sufficient police justification, allow limited further detention pending an investigation. Prolonged detention without charge is rare. Once charged, suspects come to trial expeditiously. In 1988 there were no reported instances of preventive detention. However, in its 1988 Report, AI cites several instances of incommunicado detention. Consular access to imprisoned foreign nationals is permitted, although it is sometimes delayed.

The Constitution prohibits the exile of citizens. Noncitizens convicted of crimes are subject to deportation.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The UAE has a dual system of Shari'a (clerical) and lay courts, each of which deals with both criminal and civil cases. The Shari'a courts are administered by each emirate, but the lay courts are usually part of the federal system and are answerable to the Federal Supreme Court in Abu Dhabi. However, Dubai's and two other smaller emirates' civil court systems are independent of the federal system. Each court system has a multilevel appeals process. Either the plaintiff or the nature of the case determines which court system hears a particular case.

Legal counsel is readily available and permitted to represent a defendant in both court systems. The court may appoint legal counsel if counsel agrees to provide services free; no system of state payment of public defenders exists. However, the losing party may be required to pay the winner's legal fees.

There are no jury trials. All cases, except national security cases and those deemed by the judge likely to upset public morality, are open to the public. Most judges are foreign nationals, primarily from other Arab countries. There has been no evidence in at least the past 3 years of rulers interfering in the judicial process. The court system is generally regarded as fair and its judgments well considered. There is no separate national security court system.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits entry into homes without the owner's permission, except in accordance with the law. Although the police can enter homes without a warrant and without demonstrating probable cause in advance, an officer is answerable if he abuses his authority in doing so. Anyone other than a police officer must have a court order to enter a private home. Local custom and practice place a high value on privacy, and violations are rare. Surveillance of private correspondence is not practiced. Except for rare instances

involving national security, no cases of arbitrary interference with privacy have been reported in recent years.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

UAE citizens are cons itutionally assured freedom of speech. In practice, however, most inhabitants, especially foreign nationals, are circumspect in public discussions of sensitive political topics. Although many of the local English- and Arabic-language newspapers are privately owned, all but one receive government subsidies. The press operates under a law which codifies the powers of censorship and media closure, and it generally adheres to reporting guidelines.

These regulations, along with self-censorship by journalists, make official censorship rare. Local newspapers are normally cautious in reporting on government policy, the ruling families, national security, and relations with neighboring states.

The censorship department of the Ministry of Information and Culture scrutinizes all imported newspapers, periodicals, films, and videos, and bans items considered pornographic, violent, derogatory to Islam, favorable to Israel, unduly critical of friendly countries, or critical of the Government or the ruling families.

The Ministry of Information and Culture and some emirate governments own radio and television stations, and assure that programs and news reporting are in conformity with the standards imposed on the other media.

b. Freedom of Peaceful Assembly and Association

Organized public gatherings require a government permit. In practice, public gatherings are rare. Political parties are prohibited. The citizen population normally confines its political discussion and debate to the numerous "assemblies," held in private homes, which are a local tradition. There are no restrictions on the formation of private associations.

For a discussion of freedom of association as it applies to labor unions, see Section 6a.

c. Freedom of Religion

Islam is the official religion. Non-Muslims are free to practice their religion but may not publicly proselytize or distribute religious literature. Foreign clergymen are allowed to minister to expatriate congregations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement or relocation within the country except for security areas such as defense and oil installations. Unrestricted foreign travel and emigration are permitted to citizens. Exit visas are not required. The right of return is extended to all citizens. There are no known instances of revocation of citizenship for political reasons.

The UAE and its member emirates have long accepted groups of displaced persons, such as Palestinians, and those attracted

by economic opportunity, such as Iranians. Although lacking a formalized procedure for accepting refugees, the UAE has occasionally granted Iranians refuge if they could demonstrate that they would face persecution in Iran. The UAE in some instances has also helped both Iranians and Iraqis obtain asylum in third countries through the United Nations High Commissioner for Refugees. However, most Iranians, if intercepted attempting to enter the country illegally, are turned back.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The UAE has no formal democratic institutions. Most of its citizens have little or no say in the choice of leaders or form of government. The bulk of executive and legislative power is in the hands of the seven emirate rulers, their families, and those individuals and families to whom they are allied by historical ties, marriage, or common interest. These emirate political leaders constitute the dominant political force at the national level, especially through their use of power in the Supreme Council of emirate rulers.

The positions and powers of individual rulers are determined by traditional concepts of authority rather than constitutional prescription. Although the rulers and ruling families are presumed to have the right to rule, their incumbency ultimately depends on the quality of their leadership and responsiveness to their subjects' needs. Some emirate rulers are accessible, in varying degree, to common subjects who have a problem or request. The choice of a new ruler falls to the ruling family, which is supposed to choose its most capable and respected eligible member. In practice, to avoid violent succession disputes which were common in the past, primogeniture has become increasingly common.

The political dominance of the ruling families is intertwined with their substantial involvement and influence in economic life. The ruling families and their close allies control and profit from petroleum production and, with important merchant families, have a major stake in the UAE's commercial life.

With few exceptions, the large foreign community and women have no political role.

In 1988 there was little indication of movement toward more democratic institutions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The UAE has been responsive to foreign criticism of its human rights situation. For example, it has improved its labor laws in response to criticism that low-paid foreign workers were being mistreated. The UAE has no internal groups which monitor human rights. No outside human rights group visited the UAE in 1988.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Traditional attitudes about women's roles and the frequency of early marriage still limit women's educational and employment opportunities. However, women's education is advancing rapidly (females routinely outscore males in many subjects at

all levels), and females now outnumber males at the UAE National University. The new medical school's 1988 entering class has more women than men. Women still rarely study outside the UAE. Opportunities for women are also growing in government service and the media, in addition to the more traditional fields of education and health.

Since foreign workers can stay in the UAE only with the continuing approval of the Government and would probably face unemployment or lower wages in their country of origin, they are occasionally abused or exploited by employers who take advantage of their reluctance to protest. The Government has taken steps to improve the labor law covering conditions of employment, compensation, inspection of the workplace, and enforcement procedures. Foreign embassies can and do raise with UAE officials issues of working conditions for their nationals.

Legislation which would limit the marriage of UAE citizens to foreigners is under consideration, and, even at present, only marriage to a UAE male confers citizenship. Although many foreigners have lived in the UAE for years and have held highly responsible positions, few have been granted citizenship.

Section 6 Worker Rights

a. The Right of Association

There is no legal provision for the right of workers to organize unions, or to strike. Foreign workers attempting to strike almost certainly would be deported.

b. The Right to Organize and Bargain Collectively

There is no legal provision for the right of workers to engage in collective bargaining. For the resolution of work-relateddisputes, workers have access to conciliation committees, organized by the Ministry of Labor and Social Affairs, and to special labor courts.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in the UAE.

d. Minimum Age for Employment of Children

Labor regulations prohibit employment of youths below age 18 and restrict hours of work to 8 hours per day, 6 days per week. Since the children of UAE nationals have little incentive to work and only adult foreign workers are allowed in the country, there is virtually no child labor.

e. Acceptable Conditions of Work

Foreign nationals from Pakistan, India, the Philippines and Sri Lanka continue to seek work in the UAE in large numbers because wages are far higher than in their own countries. There is no minimum wage, and foreign workers' salaries often are inadequate to meet the cost of housing and other amenities at prevailing UAE standards. Most foreign workers remit as much of their salaries as possible to their families in their home countries. The pool of foreign workers, most of them actively recruited from abroad, meets the demand in the UAE for domestic and service workers and manual laborers.

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UAE law provides for a minimum of 24 days per year of annual leave plus 10 national and religious holidays. Though not a legal requirement, it is common practice for employers to give as a fringe benefit an annual round-trip airplane ticket for the employee to return home. A foreign worker must get permission from the previous employer to move to a new job with a different employer. The Government has adopted minimal occupational safety standards, but these are not strictly enforced.

YEMEN ARAB REPUBLIC

The military has dominated the key sectors of government in the Yemen Arab Republic (YAR) since the 1962 revolution which toppled the theocratic Imamate. The central Government in Sanaa continues to expand its authority to all parts of the country, but tribal leaders in isolated areas are reluctant to surrender their traditional prerogatives, such as tax collecting and mediating disputes. Tribal conflicts and blood feuds occasionally spill into the major cities, and tribesmen in rural areas often carry automatic weapons.

Colonel Ali Abdallah Salih has been president since 1978, when his two immediate predecessors were assassinated within 8 months of each other. He was elected to a third 5-year term in July by the new Consultative Assembly, which has specific but limited oversight powers. President Salih sets government policy and relies on technocrats to administer the Government and the military and security services to keep him in power.

Internal security is largely maintained by an active National Security Organization (NSO), whose agents have broad discretion, especially when national security matters are believed to be involved, to detain citizens for questioning, search their homes, and monitor their activities, telephone conversations, and correspondence.

The YAR is a poor country with 9 million people and a rudimentary physical and social infrastructure. Oil revenue in 1988 was expected, at best, to compensate for the drastic decline in the remittances received from YAR nationals working abroad, a decline which began in 1983. Import controls, imposed in 1986, have been somewhat relaxed. The economy is basically a free market economy, although the Government controls a wide array of prices, especially in the cities. Currency controls are being relaxed gradually as oil revenues increase. The small size of proven oil reserves makes rapid development as experienced in the Gulf countries unlikely.

There was no basic change in the human rights situation in 1988. Civil liberties remained significantly restricted, and the Government continued to exercise a large measure of control over political life. The new Consultative Assembly, elected in generally free elections in July, allowed increased popular participation in government. Some 40 alleged saboteurs arrested by the Government in 1987 were not publicly tried during the year, as was promised at the time of their arrest. There is informal and some institutionalized discrimination against Yemeni citizens with a non-Yemeni parent.

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political Killing

There were no confirmed reports that government forces executed individuals for political reasons. According to a foreign press report and the underground leftist opposition group, the National Democratic Front (NDF), supported by the People's Democratic Republic of Yemen (PDRY), an aspiring candidate for the Consultative Assembly was killed by rivals in May; the NDF claimed the Government was responsible for the killing.

YEMEN ARAB REPUBLIC

In a covertly circulated pamphlet, the NDF also accused the Government of having killed 250 NDF followers since 1982, including 3 members of the military, shot in Sanaa in December 1987, who were allegedly associated with the NDF. A tribal leader reportedly involved in a 1987 antigovernment plot was killed in May in a well-executed ambush; some Yemenis believe that the Government exploited tribal tensions to engineer or abet the killing.

b. Disappearance

Occasionally Yemenis "disappear" as a result of being detained secretly by NSO officials. Most of these detainees are eventually released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution, the National Charter, and Yemeni law proscribe physical torture. However, security officials reportedly resort with impunity to force or the threat of force to extract information from detainees. Most informed Yemenis believe that the NSO engages in torture on occasion. The Yemeni legal code is based on Islamic Shari'a law, which calls for such punishments as stoning for adultery; however, these penalties are rarely imposed. Prison conditions have improved in recent years, especially provisions for medical care, although some prisoners, including children, are reportedly kept manacled for protracted periods of time. Amnesty International (AI), in its 1988 Report covering 1987, said that in some cases prisoners' hands had been chained to their necks and ankles, and it expressed concern that this practice, which is contrary to U.N. Standard Minimum Rules for the Treatment of Prisoners, could lead to injuries.

d. Arbitrary Arrest, Detention, or Exile

There were continuing reports of arbitrary arrests. Detainees were held without charge for extended periods despite constitutional limits on the time police may hold a suspect without judicial concurrence. About 40 alleged saboteurs arrested in 1987 have yet to come to trial; the Interior Minister publicly stated in December 1987 that there would be no trial until the police investigation had ended. No information is available as to when such a trial might take place. Established procedures which provide for the notification of relatives and lawyers by prisoners are not always observed. When foreigners are arrested, consular notification is late or nonexistent.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

There are three principal court systems: Shari'a, commercial, and state security. The Shari'a (Islamic) courts have jurisdiction in all cases outside the domain of the other two, although there is some overlap in commercial law cases.

The Shari'a courts, viewed within their traditional Islamic context, appear to be fair and impartial. If the defendant is taken to trial, he is informed of the charges against him at the conclusion of the police investigation. The judge actively questions witnesses. Attorneys are allowed to

counsel their clients, but are not permitted to address the court or examine witnesses. Litigants in commercial courts can generally expect a fair and open trial with legal counsel, although tribal ties and bribery are said to play a role in some judicial proceedings. The Shari'a and commercial courts are largely independent of the executive, but all decisions, as in the state security courts, are subject to presidential review and confirmation. The state security courts are convened by the President to try specific cases of espionage or other antigovernment activity. Rights normally afforded the accused may be suspended in security cases. The state security courts are not known to have convened in 1988.

The number of political prisoners is difficult to estimate, but there are probably fewer than 80 long-term detainees.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

National security forces have an open mandate to search homes, monitor telephones, read personal mail, and otherwise intrude into private matters when national security is believed to be involved. Automobiles are routinely stopped and searched and the identification of the occupants demanded at intersection checkpoints throughout the country, especially at night.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Restrictions exist on free speech but are largely confined to the urban areas because of the Government's limited control in the countryside. Some Yemenis believe that they may experience difficulty if they are overheard criticizing the Government by national security agents. The Information Ministry owns and operates the radio and television stations, as well as the major newspapers. The few privately owned (nondaily) newspapers do not voice views contrary to the Government's, nor are they permitted to criticize government policies or personalities. Complaints about government bureaucracy and the implementation of government policy (e.g., import and foreign exchange controls and social services) are permitted.

The Government removes articles from Yemeni publications which its censors deem inappropriate. There is also considerable self-censorship. The weekly newspaper published by Muslim fundamentalists is the only paper to report on Afghanistan and enjoys more independence than most publications.

Several foreign publications, including English-language newspapers and magazines, are available in the cities, but those containing material deemed offensive are withheld from distribution. In the past, the Government has suspended publishing licenses for extended periods to punish independent publishers.

Self-censorship is also practiced at Sanaa University, whose professors and senior administrators must receive NSO clearance before being hired. Most professors, including the many expatriates, do not complain about government interference in their courses or curriculum development. Student organizations independent of the Government are not permitted.

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b. Freedom of Peaceful Assembly and Association

Although ostensibly legal, demonstrations are very rare, and the few which have occurred were mostly organized by the Government. Because political parties are illegal, the Government's view is that there can be no antigovernment rallies or demonstrations. Some activist Muslim clergymen, however, preach politics, local and international, under the pretext of delivering a sermon after Friday prayers.

Registered organizations, such as professional groups, are allowed to invite outside speakers to lecture on their official premises so long as the speech does not conflict with government policies.

Contact between Yemenis and foreigners is closely monitored by the NSO. All government ministries and major organizations have NSO representatives on their staffs. Invitations and requests for appointments from diplomats to senior government officials must be sent through the Foreign Ministry, and Yemeni visitors to foreign embassies are questioned by NSO gate guards. The overall effect is to discourage contact between Yemenis and foreigners, although nondiplomatic personnel--for example, officials working on aid projects--generally enjoy good access to their Yemeni colleagues.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Islam is the state religion and is professed by virtually all Yemenis. Members of the Zaydi (Shi'a) sect have historically enjoyed greater political influence than those of the Shafi'i (Sunni) sect, although this distinction is often more geographical and tribal than sectarian. The two Islamic communities coexist with little friction and have fewer doctrinal differences than do the Shi'a and Sunni communities in some neighboring countries. Islamic associations with ties to pan-Islamic organizations enjoy a degree of freedom, including the right to operate schools largely independent of the national school system. Radical fundamentalism is not a major force in the YAR, although the influential and well-organized Muslim Brotherhood campaigns for the respect of traditional Yemeni values.

Civil servants swear an oath to Allah, and Consultative Assembly members must, according to the electoral law, be "good" Muslims. In practice, the "good" Muslim rule is not applied except to leftist Yemenis whom the Government wants excluded on political grounds. A willingness to swear the oath to Allah (and to the Yemeni nation and revolution) normally suffices. Although the Constitution does not explicitly refer to equal rights for non-Muslims, it does say: "The State has no right to impose distinctions in human rights due to religion or color or sex or language or natural origin or profession." The prison code, in this spirit, guarantees freedom of religious practice in prisons.

Almost all of the once substantial Yemeni Jewish population has emigrated to Israel, but a small number--1,000 or fewer--remains, mostly in rural areas in the north of the country. There are no synagogues, but Jews are permitted to practice their religion, including religious instruction, in private homes. The Government makes a point of ensuring that

no impediment to this right exists. Jews usually live in relative harmony with their Muslim neighbors. There were no reports in 1988 of incidents involving government-inspired or condoned harassment, although violent incidents do occur periodically, especially in the countryside. Jews in tribal areas are disadvantaged in that they cannot rely on the threat of tribal retribution to deter attacks. While there have been reports that Yemeni Jews are unfairly treated, persecuted, and eager to emigrate to Israel, there has been no confirmation of discriminatory actions directed against Yemeni Jews.

In 1988 a foreign Jew of Yemeni descent was twice arrested and eventually deported for attempting to contact Yemeni relatives. He later stated to a compatriot that, save for one kick in the shins, he was neither abused nor mistreated during his 5 days of captivity.

There are no indigenous Christian Yemenis. Foreign Christians, like Jews, are permitted to conduct private services, but churches are not allowed. Foreign clergy are not allowed to proselytize, but some teach or work in social services. Public celebration of non-Islamic religious holidays is discouraged.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Many Yemenis historically have sought employment abroad. The Government does not restrict emigration, partly in recognition of the importance to the economy of foreign remittances. Procedures for obtaining passports and the necessary exit visas are sometimes onerous, especially for Yemeni men who have not completed their military service. Political dissidents have occasionally gone into self-imposed exile or accepted government positions overseas to escape possible problems at home. There are no internal travel restrictions for Yemenis, although numerous checkpoints exist on major roads.

The YAR and the People's Democratic Republic of Yemen (PDRY) agreed in May to permit citizens of each country to enter the other by presenting only their national identity card. For the first time in the history of the acrimonious YAR-PDRY relationship, the border between the two countries is basically open to Yemenis. Many PDRY citizens have taken advantage of this accord to visit relatives in the YAR; the traffic from north to south is comparatively light. Many of the tens of thousands of PDRY citizens who came north in the first 3 months of the accord are not expected to return home; they will join the approximately 60,000 southerners who have fled to the north since the 1986 coup in Aden.

There are about 850 Eritrean refugees from Ethiopia at a camp near the coastal town of Al-Khawka. Several thousand more are scattered throughout the country. The Government closely monitors all political activity by the PDRY and Eritrean refugees. Many of the Palestinians who arrived from Lebanon in 1982-83 have left; the remainder live in a camp near Sanaa and are closely watched by the NSO. The movement and activity of the Palestinians is restricted. Palestinians have not assimilated into Yemeni society largely due to the conservative tribal nature of the society.

YEMEN ARAB REPUBLIC

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Political parties are banned, and in practice citizens are unable peacefully to change the Government. There were contested seats during the July Consultative Assembly elections, but candidates were not allowed openly to oppose the President or the National Charter. The President has the final word on all key decisions, appoints ministers, and chooses directly or indirectly the members of various consultative bodies. In principle, the Consultative Assembly could have accepted President Salih's resignation in July and chosen to elect someone else as president. In practice there was little, if any, likelihood that this would happen.

The Consultative Assembly, 128 of whose 159 members were elected (31 were appointed by President Salih), has the power to ratify government legislation and appointments and to give or deny its confidence to the Prime Minister and the Cabinet. In the 6 months since it was elected, the Assembly has asserted its prerogatives by having the Government amend its basic program to restrict acceptance of foreign loans, prohibit tax increases, and specify a number of development projects. As the year ended, Assembly members were subjecting the Government's proposed budget figures to intense scrutiny and questioning. The Consultative Assembly replaces the previous presidentially appointed Constituent Assembly.

Although the Government maintains that no political opposition groups exist in the YAR, and that everyone supports the National Charter, there are distinct groupings in the Assembly: rightists, leftists, government supporters, traditional tribesmen, technocrats, and Muslim traditionalists. Their political agenda overlap but are not identical. Some women hold positions in government and the General People's Congress (GPC), but none is in the Consultative Assembly. Campaigning in 1988 took the form of pamphlets, posters, and rallies; criticism of rival candidates was not permitted. The actual polling was orderly, and vote counting, by all accounts, was basically honest.

The GPC, created by President Salih in 1982, meets every 2 years and has 18,000 members, one third presidentially appointed and the remainder elected (most recently in 1986) from presidentially approved lists. The GPC's executive organ, the 75-member Permanent Committee, meets frequently to discuss current policy issues. At the summit of the GPC's elaborate structure is the General Committee, whose 11 members include the President, the Prime Minister, the Consultative Assembly President, and 8 other leading members of the Yemeni political establishment. The General Committee, whose members are drawn from the Permanent Committee, is supposed to give formal policy guidance to the Prime Minister and his Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit organized groups, international or nongovernmental, to investigate local cases of possible human rights violations in the YAR.

YEMEN ARAB REPUBLIC

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

There have been unconfirmed reports that the country's small Jewish population is subject to discrimination. The Government makes consistent efforts to protect the largely rural, isolated Jewish community, both at the local level and, when necessary, through the intervention of senior officials in Sanaa. Still, government control over areas where the Jews live is by no means complete, and disputes must often be resolved within the framework of the existing tribal structure.

A substantial number of Yemeni citizens with a non-Yemeni parent do not appear to enjoy the full range of their constitutional rights. These people, known as Muwallidin, face both institutionalized and informal discrimination. Government-operated Sanaa University, for example, advertises openings for teaching and senior administrative positions with the stipulation that both parents of applicants be Yemeni citizens. The same is true for applicants to the YAR's military academy. The two-Yemeni parent rule is not strictly enforced at Sanaa University, however.

Discrimination against Muwallidin is not universal or pervasive. Many senior government officials and at least one minister are Muwallidin. There is no information that Muwallidin are arbitrarily arrested or imprisoned, and there are no known special travel restrictions against them.

Restrictions on women are largely imposed by culture rather than law. In May, for example, the Government ratified a 1981 International Labor Organization (ILO) agreement mandating equality of opportunity and treatment in the workplace for men and women. The Government publicly opposed the efforts of some conservative tribal leaders and Muslim traditionalists to prevent women from registering to vote in the July elections; government media reiterated the constitutional right of women to participate in the elections. On the other hand, five women who applied to the electoral commission for certification as candidates were pressured by the Government to withdraw their applications to appease Muslim traditionalists.

Women can now be found in the midlevels of several ministries and also work in banks and other businesses. Yemen's largest factory group employs women at the same pay scale as men, and women there have risen through the ranks to lower management positions. This same group, however, has a policy of only employing single or divorced women; in principle, the group would accept a written statement of nonobjection from the husband of a married woman, but reportedly none has ever been presented.

Societal pressures often force women to defer to the guidance of male colleagues and the general supervision of male relatives. Women seeking exit visas are frequently asked to demonstrate that male relatives pose no objection to their travel. Education for women in significant numbers began only at the end of the civil war in 1970. The literacy rate for women is approximately 2 percent, but the Government is trying to expand their educational opportunities, including at the university level where about 20 percent of the students are female. However, staffing shortages and other problems continue to hinder the development of education in general.

YEMEN ARAB REPUBLIC

Societal pressures, especially in the rural areas, as well as the demand for their labor, frequently limit the opportunities of women for education.

Section 6 Worker Rights

a. The Right of Association

Under the YAR Labor Code, a union may be set up by 10 or more workers upon application to and approval by the government authorities. The Labor Code prescribes a single union system with one union committee per enterprise, one union branch per locality, one general union per economic sector, and one national umbrella organization, which is the Yemeni Trade Union Confederation. Government employees and some categories of farm workers are excluded from union membership. According to the Labor Code, unions are prohibited from engaging in any political activity and their financial records are subject to government oversight. Trade unions are reported to be under heavy NSO influence and have not been known to challenge the Government.

Labor-related legislation neither allows nor disallows strikes but union-sanctioned strikes do not occur. Wildcat strikes have occurred occasionally. There have been no reports of government or employer harassment of wildcat strikers or their leaders and no prosecutions. Oil tanker drivers struck for 2 weeks in September for higher transport fees and, largely due to the political influence of the truck owners, won a compromise increase. The drivers do not belong to the established truckers' union and reportedly were discouraged from forming one of their own.

The Yemeni Trade Union Confederation is affiliated to the International Confederation of Arab Trade Unions and to the Communist-controlled World Federation of Trade Unions. The YAR is a member of the ILO and the labor confederation participates in its meetings. The YAR ratified ILO Convention 87 on Freedom of Association and Convention 98 on Collective Bargaining in 1976.

In 1987 the ILO Committee of Experts found that the conditions imposed on unions by the Labor Code conflicted with the provisions of ILO Convention 87 calling for workers to have the possibility of establishing organizations of their own choosing. Other shortcomings were noted in the Labor Code as well regarding freedom of association and the right to bargain collectively.

b. The Right to Organize and Bargain Collectively

Although the YAR Labor Code calls on employers to treat workers correctly, it does not contain provisions to ensure worker protection against acts of discrimination by employers, nor does it provide a legal framework for a free collective bargaining system. There is no bargaining and there are no collective agreements in force. There is no export processing zone in the YAR.

c. Prohibition of Forced or Compulsory Labor

There are no reports of forced or compulsory labor in the YAR.

YEMEN ARAB REPUBLIC

d. Minimum Age for Employment of Children

There is no minimum age for employment, but compulsory education requirements sometimes have the same effect. In general, however, these requirements are ignored. Child labor, sanctioned by family custom, is common.

e. Acceptable Conditions of Labor

The rights of workers are enunciated by law, but labor regulations are virtually unenforceable. Hiring often depends on family and tribal connections, and there is no minimum wage. The prevailing daily wage for unskilled workers is about $10. YAR legal codes prescribe a maximum 8-hour workday (6 during Ramadan), but many factories operate 10- or 12-hour shifts.

Local production is largely based on agriculture and cottage industries. While working conditions are sometimes harsh, consistent with the prevailing subsistence economy, the Government has set general safety requirements for larger concerns and occasionally checks to see if they are being observed.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN*

The People's Democratic Republic of Yemen (PDRY) is a one-party state governed by the avowedly Marxist Yemen Socialist Party (YSP). President Haidar Abu Bakr al-Attas came to power in January 1986, following the violent overthrow of President Ali Nasir Muhammad al-Hasani, who continues to live in exile in the Yemen Arab Republic (YAR). The current regime, although beset by internal rivalries, is united in purging the Government and YSP of Ali Nasir supporters. Occasional clashes between rival factions occur, but thus far the regime has maintained a facade of unity. The efforts of the YSP to establish a Marxist-Leninist state along Soviet administrative lines have overwhelmed some traditional social and cultural values. An estimated 25 percent of the population has fled the PDRY, mostly to the YAR, since the country gained independence from Great Britain in 1967.

The Ministry for State Security is charged with overseeing internal security operations. The army, regional militias, and the police play subsidiary roles, but in some areas tribal authority effectively supersedes government rules and regulations.

Approximately 40 percent of the 2.2 million inhabitants work as farmers, and their crops account for about 12 percent of the gross national product. The economy remains hampered by severe shortages of basic consumer items and commodities. The Government continues to regulate most sectors of the economy and makes it difficult for even PDRY citizens to import capital. Small shops and service industries remain privately owned and operated.

Although reliable information is difficult to obtain, the human rights situation appears to have improved slightly in the past 2 years, and some PDRY citizens believe that the improvement--in particular, liberalized travel measures and a somewhat freer press--is the result of internal pressure on PDRY officials to emulate the so-called glasnost campaign in the Soviet Union. The PDRY regime has issued an amnesty for all but the top Ali Nasir supporters with the proclaimed goal of promoting national reconciliation. Nevertheless, the human rights situation overall remains grim, and many rights, such as the freedoms of speech, association, and the press, are sharply curtailed.

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

The Ali Nasir exile movement regularly accuses the PDRY of political killings, but there is no independent confirmation of these accusations. In 1988 the movement's YAR-based newspaper charged the PDRY with the politically motivated killing of approximately 50 PDRY citizens, including military officers and government officials.

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*The United States maintains no diplomatic mission in the People's Democratic Republic of Yemen, which severed diplomatic relations with the United States in 1969. It is difficult, therefore, to comment authoritatively on conditions in that country.

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

b. Disappearance

There were continuing reports of disappearances, but some apparently were the result of tribal and factional infighting.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There continued to be reports--including in Amnesty International's 1988 Report--of torture by PDRY security services.

d. Arbitrary Arrest, Detention, or Exile

Incommunicado detention and arbitrary arrests are common.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Many persons are believed to have been imprisoned without trial. Legal procedures for the protection of the accused are routinely ignored or manipulated as in the case of the 1987 show trials of former President Ali Nasir and his followers.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

National security is frequently cited as the justification for the pervasive invasion of personal privacy. PDRY security services routinely inspect mail, tap telephones, and arbitrarily search residences and businesses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There is little freedom of speech or press. The state-owned electronic media and party newspaper faithfully reflect government views and priorities. In 1988 one edition of the monthly al-Hikmah magazine, the Journal of the Federation of (North and South) Yemeni Writers and Intellectuals, contained particularly strong criticism by a senior PDRY economic official of Soviet aid programs and, indirectly, of PDRY economic and political policies. Security officers reportedly bought many copies of the issue to limit circulation, but the issue was not banned. PDRY citizens visiting the YAR have commented that the press appears to be somewhat freer than in previous years.

b. Freedom of Peaceful Assembly and Association

No public or professional associations, except those sponsored by the State or party, are permitted to operate openly. Unauthorized gatherings are forbidden.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution declares that Islam is the state religion and provides for the freedom of religious expression. In practice, however, the Government attempts to minimize the influence of religious leaders, and some sermons for Friday

prayer are reportedly provided by the Ministry of Religious Affairs. Muslim leaders, when traveling abroad, scrupulously follow the Government's foreign policy line.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are some restricted areas in the PDRY, but there are said to be fewer checkpoints on major roads and near the capital in 1987-88 than there were in 1986. The two Yemens implemented a new accord in July which permits citizens of each country to enter the other by presenting only a national identification card. For the first time in their acrimonious relationship, the border between the two countries is basically open to all Yemenis. Many PDRY citizens have taken advantage of this accord to visit relatives and shop in the YAR. Approximately 60,000 South Yemenis have fled to the YAR since the January 1986 coup. Many of them are not expected to return home, largely for economic reasons. Regulations governing travel to other countries have also been liberalized, although letters of invitation from immediate PDRY family members are normally still required. Travel bonds are reportedly no longer necessary.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The PDRY has no democratic institutions. Consequently, ordinary citizens do not have the ability peacefully to change their leaders or the system of government. Political parties, other than the YSP, are banned, and the YSP dominates politics. Other organizations, such as the military and, to a lesser extent, the National Democratic Front (NDF), also play prominent roles. The NDF consists largely of northern Yemenis who waged a guerrilla insurgency against the YAR until 1982; now it is one of several principal factions competing for influence in Aden. Alliances are often based on tribal or regional affiliations; natives of Aden are largely unrepresented in the senior ranks of the YSP.

The Constitution provides for universal suffrage for those over the age of 18, but only candidates approved by the YSP may run for election. Overall, politics in the PDRY are characterized by violence and coercion. Leading members of the losing faction can often expect imprisonment, exile, or death.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although Amnesty International (AI) and other human rights groups attempt to monitor the situation in the PDRY, they are not permitted to enter the country to pursue individual cases. An AI delegation did visit the PDRY in 1987, however, to observe a Supreme Court trial, and the delegation met with several senior government ministers during their visit to discuss some of the cases being followed by AI.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The PDRY is a generally homogeneous society and there are few ethnic or linguistic differences. Political factions are

based largely on tribal and regional affiliations. Equality of the sexes is mandated by law, and women frequently hold government and service jobs, although not at senior levels. In family relationships, women generally remain subservient to men, although less so in Aden than other areas. Polygamy, child marriages, and arranged marriages are banned, but reportedly exist in some rural, traditional areas.

Section 6 Worker Rights

a. The Right of Association

There are no independent trade or labor organizations. The General Federation of Trade Unions, the PDRY's only labor association, is under close YSP control. No information is available on the right to strike.

b. The Right to Organize and Bargain Collectively

The State, through the YSP-controlled unions, purports to represent the rights of workers. There is no collective bargaining, and there are no nongovernmental bodies which address labor grievances. Labor legislation is uniform throughout the PDRY but labor practice is not. For example, child labor is common in many rural areas, but not in Aden.

c. Prohibition of Forced or Compulsory Labor

There are no reports of forced or compulsory labor.

d. Minimum Age for Employment of Children

Child labor is common, but is more prevalent in rural areas than in cities, where children must compete with adults for scarce jobs. Child labor in rural areas is often in the context of traditional parent-child job training.

e. Acceptable Conditions of Work

There is some legislation regulating conditions of labor, but there is no mechanism for effective enforcement. Many, perhaps most, PDRY workers are farmers; the majority of these work in state-controlled collectives or associations, while the others, in more isolated rural areas, enjoy a greater degree of independence. Labor conditions in general suffered along with the economy following the upheaval attending the violent overthrow of the Government in 1986; both appeared to stabilize and recover somewhat in 1988. Information on prevailing wages is not available.

APPENDIX A

Notes on Preparation of the Reports

The annual Country Reports on Human Rights Practices are based upon all information available to the United States Government. Sources include American officials, officials of foreign governments, private citizens, victims of human rights abuse, congressional studies, intelligence information, press reports, international organizations, and nongovernmental organizations concerned with human rights. We are particularly appreciative of, and make reference in most reports to, the role of nongovernmental human rights organizations, ranging from groups in a single country to major organizations that concern themselves with human rights matters in larger geographic regions or over the entire world. While much of the information we use is already public, information on particular abuses frequently cannot be attributed, for obvious reasons, to specific sources.

The reports must by law be submitted to Congress by January 31. To comply, United States diplomatic missions are given guidance in September for submission of draft reports during October and November; contributions are received from appropriate offices in the Department of State; and a final draft is prepared under the coordination of the Bureau of Human Rights and Humanitarian Affairs. Because of the preparation time required, it is possible that developments in the latter part of the year may not be fully reflected; moreover, reports from some of the nongovernmental organizations are for periods ending well before the end of the year. We make every effort to include reference to major events or significant changes in trends.

We have attempted to make these country reports as comprehensive as space will allow, while taking care to make them objective and as uniform as possible in both scope and quality of coverage. We have given particular attention to attaining a high standard of consistency despite the multiplicity of sources and the obvious problems related to varying degrees of access to information, structural differences in political and social systems, and trends in world opinion regarding human rights practices in specific countries. There is a conceptual difficulty in applying a single standard of evaluation to societies with differing cultural and legal traditions. There is also a problem of perspective in discussing countries that face differing political realities, which must be taken into account in describing the human rights environment. Rather than viewing a country in isolation, these reports take as their point of departure the world as it is and then seek to apply a consistent approach in assessing each country's human rights situation. While we have tried to make each report self-contained by including enough background information to place the human rights situation in context, readers who need to delve more deeply may wish to consult other sources, including previous country reports.

To improve the uniformity of the reports, the introductory section of each report contains a brief setting, indicating how the country is governed and providing the context for examining the country's human rights performance. A description of the political framework and a discussion of the

security and law enforcement situation are followed by an economic background statement. The setting concludes with an overview of human rights developments in the year under review.

Last year's report contained a new section, included in only selected reports, on violations of humanitarian law in armed conflicts. This section was found to be of limited applicability and utility and has been omitted from this year's format.

In an effort to make the reports as clear and as useful as possible to readers who may be particularly interested in worker rights, we have altered this year's format to consolidate reporting on all five elements of worker rights (see Appendix B) under the separate heading "Worker Rights."

Aside from the above-noted changes, the format for the reports follows that of last year.

The following notes on specific categories of the report are not meant to be comprehensive descriptions of each category but to provide definitions of key terms as used in the reports and to explain the organization of material within the format:

Political Killing--Includes killings in which there is evidence of government instigation without due process of law, or of political motivation by government or by opposition groups; also covers extrajudicial killings (e.g., deliberate and illegal use of lethal force by the police against criminal suspects); excludes combat deaths and killings by common criminals, if the likelihood of political motivation can be ruled out.

Disappearance--Covers unresolved cases in which political motivation appears likely and in which the victims have not been found or perpetrators have not been identified; cases eventually classed as political killings are covered in the above category, those eventually identified as arrest or detention are covered under "Arbitrary Arrest, Detention, or Exile."

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment--Torture is here defined as an extremely severe form of cruel, inhuman, or degrading treatment or punishment, committed by or at the instigation of government forces or opposition groups, with specific intent to cause extremely severe pain or suffering, whether mental or physical. Discussion concentrates on actual practices, not on whether they fit any precise definition.

Arbitrary Arrest, Detention, or Exile--Covers cases in which detainees, including political detainees, are held in official custody without charges or, if charged, are denied a public preliminary judicial hearing within a reasonable period.

Denial of Fair Public Trial--Discusses whether a trial held was both fair and public; failure to hold any trial is noted in the category above; includes discussion of "political prisoners" (political detainees are covered above), defined as those imprisoned for essentially political beliefs or nonviolent acts of dissent or expression, regardless of the actual charge.

Arbitrary Interference with Privacy, Family, Home, or Correspondence--Discusses the "passive" right of the individual to noninterference by the State; includes the right to receive foreign publications, for example, while the right to publish is discussed under the category that follows; includes the right to be free from coercive population control measures, including coerced abortion and involuntary sterilization, but does not include cultural or traditional practices, such as discrimination against women within marriage, which are addressed in Section 5 of the report.

Freedom of Speech and Press--Includes academic freedom.

Freedom of Peaceful Assembly and Association--Includes the ability of trade associations, professional bodies, and similar groups to maintain relations or affiliate with recognized international bodies in their fields. The right of labor to associate and to organize and bargain collectively is discussed under "Worker Rights" (see Appendix B).

Freedom of Religion--Includes the freedom to publish religious documents in foreign languages; addresses the treatment of foreign clergy; addresses whether religious belief affects membership in a ruling party or a career in government.

Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation--Includes discussion of forced resettlement; "refugees" may refer to persons displaced by civil strife or natural disaster as well as persons who are "refugees" within the meaning of the Refugee Act of 1980, i.e., persons with a "well-founded fear of persecution" in their country of origin or, if stateless, of habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion.

Respect for Political Rights: The Right of Citizens to Change Their Government--Discusses the extent to which citizens have freedom of political choice and can change the laws and officials that govern them; assesses whether elections are meaningful.

Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights--Includes a discussion of domestic and foreign human rights organizations that follow human rights developments in the country and the government's response to them.

Discrimination Based on Race, Sex, Religion, Language, or Social Status--Discusses discrimination against women, racial and ethnic minorities, and other groups not discussed in other sections of the report, particularly discrimination instigated or condoned by the government. This includes discrimination in employment, housing, education, or restricted access to other economic, social, or cultural opportunities. (Killing, arbitrary detention, or restriction of voting rights or free speech applied for ethnic or religious reasons, for example, would be discussed under the appropriate preceding section.)

Worker Rights -- See Appendix B.

APPENDIX B

Reporting on Worker Rights

The Generalized System of Preferences Renewal Act of 1984 requires reporting on worker rights in GSP beneficiary countries. It states that internationally recognized worker rights include "(A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health." Reporting on worker rights for 1988 is included in the human rights reports format described in Appendix A and is covered in separate paragraphs in response to the Act's requirement that worker rights be addressed separately within the report. This year, all five aspects of worker rights are discussed in a final section under the heading "Worker Rights." The discussion of worker rights considers not only laws and regulations but also their practical implementation, taking into account the following additional guidelines:

A. The right of association has been defined by the International Labor Organization (ILO) to include the right of workers and employers to establish and join organizations of their own choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority.

The right of association includes the right of workers to strike. While strikes may be restricted in essential services (i.e., those services whose interruption would endanger the life, personal safety, or health of a significant portion of the population) and in the public sector, these restrictions must be offset by adequate guarantees to safeguard the interests of the workers concerned (e.g., machinery for mediation and arbitration; due process; and the right to judicial review of all legal actions). Reporting on restrictions affecting the ability of workers to strike generally includes information on any procedures that may exist for safeguarding workers' interests.

B. The right to organize and bargain collectively includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers; the right to protection against interference; and the right to protection against acts of antiunion discrimination. Governments should promote machinery for voluntary negotiations between employers and workers and their organizations. Reporting on the right to organize and bargain collectively includes descriptions of the extent to which collective bargaining takes place and the extent to which unions, both in law and practice, are effectively protected against antiunion discrimination.

C. Forced or compulsory labor is defined as work or service exacted from any person under the menace of penalty and for which the person has not volunteered. "Work or service" does not apply to cases in which obligations are imposed to undergo education or training. "Menace of penalty" includes loss of rights or privileges as well as penal sanctions. The ILO has exempted the following from its definition of forced labor: compulsory military service, normal civic obligations, certain forms of prison labor, emergencies, and minor communal services. Forced labor should not be used as a means of (1) mobilizing and using labor for purposes of economic development; (2) racial, social, national, or religious discrimination; (3) political coercion or education, or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system; (4) labor discipline; or (5) as a punishment for having participated in strikes. Constitutional provisions concerning the obligation of citizens to work do not violate this right so long as they do not take the form of legal obligations enforced by sanctions and are consistent with the principle of "freely chosen employment."

D. "Minimum age" concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. In addition, young people should not be employed in hazardous conditions or at night.

E. "Acceptable conditions of work" refers to the establishment and maintenance of machinery, adapted to national conditions, that provides for minimum working standards, i.e., wages that provide a decent living for the workers and their families; working hours that do not exceed 48 hours per week, with a full 24-hour rest day; a specified annual paid holiday; and minimum conditions for the protection of the safety and health of workers. Differences in levels of economic development are taken into account in the formulation of internationally recognized labor standards. For example, many ILO standards concerning working conditions permit flexibility in their scope and coverage. They may also permit countries a wide choice in their implementation, including progressive implementation, by enabling countries to accept a standard in part or subject to specified exceptions. Countries are expected to take steps over time to achieve the higher levels specified in such standards. It should be understood, however, that this flexibility applies only to internationally recognized standards concerning working conditions. No flexibility is permitted concerning the acceptance of the basic principles contained in human rights standards, i.e., freedom of association, the right to organize and bargain collectively, forced labor, and discrimination.

APPENDIX C

SELECTED INTERNATIONAL HUMAN RIGHTS AGREEMENTS*

	Slavery Convention of September 25, 1926	*Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956*	*Inter-American Convention on the Granting of Political Rights to Women of May 2, 1948*	*Convention on the Political Rights of Women of March 31, 1953*	*Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949*	*Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949*	*Protocol Relating to the Status of Refugees of January 31, 1967*	*Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948*	*International Covenant on Civil and Political Rights of December 16, 1966*	*International Covenant on Economic, Social and Cultural Rights of December 16, 1966*	*American Convention on Human Rights of November 22, 1969*	*European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950*
Africa												
Angola				x	x	x	x					
Benin	x				x	x	x					
Botswana	(x)	(x)			x	x	x					
Burkina Faso					x	x	x	x				
Burundi					x	x	x					
Cameroon	x	x			x	x	x		x	x		
Cape Verde					x	x	x					
Central African Republic	x	x		x	x	x	x		x	x		
Chad					x	x	x					
Comoros												
Congo	x	x		x	x	x	x		x	x		
Djibouti		x			x	x	x					
Equatorial Guinea					x	x	x		x	x		
Ethiopia	x	x		x	x	x	x	x				
Gabon				x	x	x	x	x	x	x		
Gambia, The	(x)	(x)			x	x	x	x	x	x		
Ghana	x	x		x	x	x	x	x				
Guinea	x	x		x	x	x	x		x	x		
Guinea-Bissau					x	x	x					
Ivory Coast	x	x			x	x	x					
Kenya					x	x	x		x	x		
Lesotho	x	x		x	x	x	x	x				

*** All of these international human rights conventions have come into force, having respectively been ratified by the required number of states as specified in the final clauses of each convention. The "X" indicates those states that have ratified; parentheses signify countries which are parties based on general declarations concerning treaty obligations applicable prior to independence.**

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Africa—Continued												
Liberia	x				x	x	x	x				
Madagascar	x	x		x	x	x			x	x		
Malawi	x	x		x	x	x	x					
Mali	x	x		x	x	x	x					
Mauritania	x	x		x	x	x		x				
Mauritius	x	x		x	x	x			x	x		
Mozambique					x	x		x				
Namibia, U.N. Council for					x	x						
Niger	x	x		x	x	x	x	x	x	x		
Nigeria	x	x		x	x	x	x					
Rwanda					x	x	x	x	x	x		
Sao Tome and Principe					x	x	x					
Senegal	x	x		x	x	x	x	x	x			
Seychelles	(x)	(x)		(x)	x	x	x	(x)				
Sierre Leone	x	x		x	x	x	x					
Somalia					x	x	x					
South Africa, Republic of	x				x	x						
Sudan	x	x			x	x	x		x	x		
Swaziland	(x)	(x)		x	x	x	x					
Tanzania	x	x		x	x	x	x	x	x	x		
Togo	x	x			x	x	x	x	x	x		
Uganda	x	x			x	x	x					
Zaire		x		x	x	x	x	x	x	x		
Zambia	x	x		x	x	x	x		x	x		
Zimbabwe	(x)	(x)			x	x	x					

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Central and South America												
Antigua & Barbuda	x	x		x	(x)	(x)		x				
Argentina		x	x	x	x	x	x	x	x	x	x	
Bahamas	x	x		x	x	x	(x)	x				
Barbados	x	x		x	x	x		x	x	x	x	
Belize	(x)	(x)	(x)	(x)	(x)	x	x		(x)	(x)		
Bolivia	x	x		x	x	x	x		x	x	x	
Brazil	x	x	x	x	x	x	x	x				
Chile			x	x	x	x	x	x	x	x		
Colombia			x	x	x	x	x	x	x	x		
Costa Rica			x	x	x	x	x	x	x	x	x	
Cuba	x	x	x	x	x	x		x				
Dominica	(x)	(x)	x	(x)	x	x		(x)				
Dominican Republic		x	x	x	x	x	x		x	x	x	
Ecuador	x	x	x	x	x	x	x	x	x	x	x	
El Salvador			x		x	x	x	x	x	x	x	
Grenada	(x)	(x)		(x)	x	x		(x)			x	
Guatemala	x	x	x	x	x	x	x	x		x	x	
Guyana	(x)	(x)			x	x			x	x		
Haiti	x	x	x	x	x	x	x	x			x	
Honduras			x		x	x		x		x	x	
Jamaica	x	x		x	x	x	x	x	x	x	x	
Mexico	x	x	x	x	x	x		x	x	x	x	
Nicaragua	x	x	x	x	x	x	x	x	x	x	x	
Panama			x		x	x	x	x	x	x	x	
Paraguay			x		x	x	x					
Peru			x	x	x	x	x	x	x	x	x	

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Central and South America—Continued												
St. Christopher & Nevis	(x)	(x)		(x)	x	x						
St. Lucia	(x)	(x)		(x)	x	x	(x)	x				
St. Vincent and the Grenadines	x	x		(x)	x	x		x	x	x		
Suriname	x	x	x	(x)	x	x	x		x	x	x	
Trinidad and Tobago	x	x		x	x	x			x	x		
Uruguay			x		x	x	x	x	x	x	x	
Venezuela				x	x	x	x	x	x	x	x	
East Asia and the Pacific												
Australia	x	x		x	x	x	x		x	x		
Brunei	(x)	(x)		(x)	(x)	(x)						
Burma	x							x				
Cambodia		x			x	x		x				
China					x	x	x	x				
China (Taiwan only)	x	x		x				x				
Fiji	x	x		x	x	x	x	x				
Indonesia				x	x	x						
Japan				x	x	x	x		x	x		
Kiribati	(x)	(x)		(x)	(x)	(x)	(x)		(x)	(x)		
Korea, North					x	x			x	x		
Korea, South				x	x	x						
Laos		x		x	x	x		x				
Malaysia		x			x	x						

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East Asia and the Pacific—Continued												
Mongolian People's Republic	x	x		x	x	x		x	x	x		
New Zealand	x	x		x	x	x	x	x	x	x		
Papua New Guinea	x			x	x	x	x	x				
Philippines	x	x		x	x	x	x	x	x	x		
Singapore		x			x	x						
Solomon Islands	x	x		x	x	x				x		
Thailand				x	x	x						
Tonga	(x)	(x)		(x)	x	x		x				
Tuvalu	(x)	(x)		(x)	x	x	x		(x)	(x)		
Vanuatu					x	x						
Vietnam	x				x	x		x	x	x		
Western Samoa					x	x						
Europe and North America												
Albania	x	x		x	x	x		x				
Austria	x	x		x	x	x	x	x	x	x		x
Belgium	x	x		x	x	x	x	x	x	x		x
Bulgaria	x	x		x	x	x		x	x	x		
Canada	x	x		x	x	x	x	x	x	x		
Cyprus	x	x		x	x	x	x	x	x	x		
Czechoslovakia	x	x		x	x	x		x	x	x		
Denmark	x	x		x	x	x	x	x	x	x		
Finland	x	x		x	x	x	x	x	x	x		
France	x	x		x	x	x	x	x	x	x		x
German Democratic Republic	x	x		x	x	x		x	x	x		

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Europe and North America—Continued												
Germany, Federal Republic of	x	x		x	x	x	x	x	x	x		x
Greece	x	x		x	x	x	x	x	x	x	x	x
Holy See						x	x					
Hungary	x	x		x	x	x		x	x	x		
Iceland		x		x	x	x	x	x	x	x		
Ireland	x	x		x	x	x	x	x				x
Italy	x	x		x	x	x	x	x	x	x		x
Liechtenstein					x	x	x					
Luxembourg		x		x	x	x	x	x	x	x		x
Malta	x	x		x	x	x	x					x
Monaco	x				x	x		x				
Netherlands, The	x	x		x	x	x	x	x	x	x		x
Norway	x	x		x	x	x	x	x	x	x		x
Poland	x	x		x	x	x		x	x	x		x
Portugal	x	x			x	x	x		x	x		
Romania	x	x		x	x	x		x	x	x		x
San Marino		x			x	x						
Spain	x	x		x	x	x	x	x	x	x		x
Sweden	x	x		x	x	x	x	x	x	x		x
Switzerland	x	x			x	x	x					x
Turkey	x	x		x	x	x	x	x				x
Union of Soviet Socialist Republics	x	x		x	x	x		x	x	x		
United Kingdom	x	x		x	x	x	x	x	x	x		x
U.S.A.	x	x	x	x	x	x	x	x				
Yugoslavia	x	x		x	x	x	x	x	x	x		

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Near East, North Africa and South Asia												
Afghanistan	x	x		x	x	x		x	x	x		
Algeria	x	x			x	x	x	x				
Bahrain					x	x						
Bangladesh	x	x			x	x						
Egypt	x	x		x	x	x	x	x	x	x		
India	x	x		x	x	x		x	x	x		
Iran		x			x	x	x		x	x		
Iraq	x	x			x	x		x	x	x		
Israel	x	x		x	x	x	x	x				
Jordan	x	x			x	x		x	x	x		
Kuwait	x	x			x	x						
Lebanon	x			x	x	x		x	x	x		
Libya	x				x	x			x	x		
Maldives								x				
Morocco	x	x		x	x	x	x	x	x	x		
Nepal	x	x		x	x	x		x				
Oman					x	x						
Pakistan	x	x		x	x	x						
Qatar					x	x						
Saudi Arabia	x	x			x	x		x				
Sri Lanka	x	x			x	x						
Syria	x	x			x	x		x	x	x		
Tunisia	x	x		x	x	x	x	x	x	x		
United Arab Emirates					x	x						
Yemen Arab Republic					x	x	x					
Yemen, People's Democratic Republic of				x	x	x		x	x	x		